

Vishwanath

Vs

Prabhu and Others

Civil Appeal No. 5517 of 1995

(G. T. Nanavati, S. P. Kurdukar JJ)

15.10.1998

JUDGMENT

NANAVATI, J. -

1. An application filed by Respondents 1 and 2 for declaring the sale dated 17-2-1976 executed by the father of Respondent 3, Balwant Rao in favour of the appellant, Vishwanath as null and void was dismissed by the Agricultural Lands Tribunal, Latur. The Tribunal held that Respondents 1 and 2 were protected tenants of the land and, therefore, the father of Respondent 3 had no right to sell it without following the procedure prescribed by Section 48 of the Hyderabad Tenancy and Agricultural Lands Act and Rule 31-A of the Rules made under that Act.

2. Appeal filed against the order of the Tribunal was dismissed by the Deputy Collector, Land Reforms, Latur. The Maharashtra Revenue Tribunal allowed the revision petition and held that the sale made by Balwant Rao's father in favour of Vishwanath was hit by Section 48 of the Act and was, therefore, void. The appellant feeling aggrieved by the said order approached the High Court with a writ petition under Article 227 of the Constitution. The High Court summarily dismissed the same.

3. Having gone through the orders passed by the Tehsildar, Latur, the Deputy Collector, Latur, and the Maharashtra Revenue Tribunal and the material on record, we are of the view that the sale being void, the Revenue Tribunal was right in allowing the revision application. Respondents 1 and 2 were protected tenants and therefore, without complying with the provisions of the Act and the Rules, no sale of the land could have been validly made. Admittedly no such procedure was followed. Therefore, we agree with the view taken by the Tribunal and hold that the High Court was justified in dismissing the writ petition filed by the appellant. As we find no substance in the appeal, it is dismissed.