



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.10982 OF 2026**

Shri Ram Babu Patil and Ors. ... Petitioners
versus
Yashwant Bhagirat Patil and Ors. ... Respondents
WITH
WRIT PETITION NO.11013 OF 2026

Shri Ram Babu Patil and Ors. ... Petitioners
versus
Yashwant Bhagirat Patil and Ors. ... Respondents

Mr. Girish Godbole, Sr. Advocate with Mr. Sumit Kothari, for Petitioners.
Mr. Atul Damle, Sr. Advocate i/by Mr. R.D.Suryawanshi with Mr. Suraj N. Naik,
for Respondent Nos.1 to 11 and 13 in WP No.10982 of 2026.
Mr. Sunil Karandikar i/by Mr. R.D.Suryawanshi, Mr. Suraj N. Naik for
Respondent Nos.1 to 11 and 13 in WP No.11013 of 2026.

CORAM: N.J.JAMADAR, J.

**RESERVED ON : 21 SEPTEMBER 2026
PRONOUNCED ON : 9 OCTOBER 2026**

JUDGMENT :

1. Rule. Rule made returnable forthwith and with the consent of the learned Counsel for the parties, heard finally.

2. By these Petitions under Article 227 of the Constitution of India, the Petitioners take exception to a common judgment and order dated 5 December 2023 passed by the learned President, Maharashtra Revenue Tribunal, in Tenancy Revision Application No.328 of 2022 and 373 of 2018,

whereby the revision applications preferred by Respondent Nos.1 to 13 came to be allowed and the judgment and order dated 8 February 2017 in Tenancy Remand Appeal No.37 of 2015 and the judgment and order dated 12 February 2021 in Tenancy Appeal No.168 of 2017, respectively, passed by the Sub-Divisional Officer (SDO), were quashed and set aside.

3. The dispute has a chequered history with multiple rounds of litigation before the authorities under the Maharashtra Tenancy and Agricultural Lands Act, 1948 (the MT & AL Act, 1948), spanning over half a century. Yet, shorn of unnecessary details, the background facts leading to these petitions can be summarized as under :

3.1 The facts in WP No.10982 of 2026 are hereinafter noted as a lead matter and the parties are hereinafter referred in the capacity in which they are arrayed therein.

3.2 Sorabji Meherbanji, the predecessor in title of Respondent Nos.14 to 17, was the original owner of eight parcels of agricultural lands having distinct survey numbers situated at Village Surai, Tal. Bhiwandi, Dist. Thane (the larger properties), inclusive of the land bearing old Survey No.16/4, new Survey No.40/4, admeasuring 0H 48R (the subject land).

3.3 The Petitioners asserted that, Pandu Manglya Patil, grand father of Petitioner Nos.1 and 2 and father in law of Petitioner No.3, was the tenant in

respect of the subject land since 1930-31. In the year 1954-55, the name of Babu Pandu Patil, father of Petitioner Nos.1 and 2, came to be mutated to the record of rights of the subject land in the cultivator's column. Babu Pandu Patil, predecessor in title of the Petitioners and, after his demise, the Petitioners have allegedly been in continuous occupation and cultivation of the subject land.

3.4 Respondent Nos.1 to 13 are the successors in interest of one Anya Govind Patil, whose name, according to the Petitioners, was unlawfully mutated to the record of rights of the subject land vide M.E.No.1193, purportedly certified on 15 May 1962. On the strength of the said M.E.No.1193, the Petitioners assert, the name of Anya Govind Patil, predecessor in title of Respondent Nos.1 to 13, was wrongfully and surreptitiously mutated as tenant in respect of the subject land.

3.5 The said M.E.No.1193 is the genesis of a three pronged dispute.

Proceedings initiated at the instance of Anya Govind Patil – predecessor in title of Respondent Nos.1 to 13 :

3.6 Asserting rights on the basis of M.E.No.1193, Anya Govind Patil and others filed an application under Section 32G of the MT & AL Act, 1948, being Tenancy Case No.32G/Kra.L-5527, seeking fixation of purchase price in respect of the larger properties. By an order dated 30 November 1965,

purchase price was fixed in respect of the larger properties. Eventually, a certificate under Section 32M of the MT & AL Act, 1948 came to be issued in favour of Anya Govind Patil. It, however, appears that effect was not given to the said certificate under Section 32M of the MT & AL Act, 1948, in the record of rights of the subject land.

Proceedings at the instance of Landlords :

3.7 Respondent Nos.14 to 17 filed an application under Section 70(b), being Tenancy Case No.351 of 2010, before the ALT, Bhiwandi, seeking a negative declaration that Anya Govind Patil, predecessor in title of Respondent Nos.1 to 13, was not the tenant in respect of the larger properties and, thus, sought deletion of his name from the record of rights of the larger properties, including the subject land.

3.8 By an order dated 31 January 2014, ALT partly allowed Tenancy Case No.35 of 2010 filed by Respondent Nos.14 to 17 and declared that the name of Anya Govind Patil be deleted from the record of rights of the larger properties as tenant thereof, except the subject land.

3.9 In Appeal No.114 of 2014, preferred by the successors in interest of Anya Govind Patil, the SDO set aside the aforesaid order and restored the order dated 30 November 1965 passed by the ALT in the proceeding under Section 32G of the MT & AL Act, 1948, in favour of Anya Govind Patil and

others.

Proceedings at the instance of the Petitioners :

3.10 Babu Pandu Patil, predecessor in title of the petitioners, filed an application under Section 70(b) of the MT & AL Act, 1948, being Tenancy Case No.52 of 2010, against Respondent Nos.14 to 17 and the successors in interest Anya Govind Patil, seeking a declaration that the subject land has been in the occupation and cultivation of Babu Pandu Patil as tenant thereof since prior to the Tiller's day, and that Anya Govind Patil was not the tenant thereof.

3.11 By a judgment and order dated 8 August 2011, ALT dismissed Tenancy Case No.52 of 2010 instituted by Babu Pandu Patil, holding that the predecessor in title of the Petitioners was not the tenant in respect of the subject land, and also declined to grant a negative declaration that Anya Govind Patil was not the tenant in respect of the subject land.

3.12 Being aggrieved, Babu Pandu Patil preferred Tenancy Appeal No.203 of 2011 before the SDO, Bhiwandi. In addition, tenancy Appeal No.9 of 2012 was also filed by Babu Pandu Patil assailing the legality and validity of the order dated 30 November 1965 passed by the ALT in Tenancy Case No.32G/KRA/1.5527 determining the purchase price.

3.13 By separate judgments and orders dated 8 July 2013, the SDO,

Bhiwandi, dismissed both the abovenumbered appeals.

3.14 Babu Pandu Patil preferred Tenancy Revision No.535 of 2013 assailing the order passed in Tenancy Appeal No.9 of 2012 and Tenancy Revision No.536 of 2013 assailing the order passed in Tenancy Appeal No.203 of 2011, before the MRT.

3.15 By its judgment and order dated 18 May 2015, the MRT disposed Babu Patil's Tenancy Revision No.536 of 2013 as withdrawn and the Tenancy Revision No.535 of 2013 was partly allowed and the order dated 8 July 2013 passed by the SDO, Bhiwandi in Tenancy Appeal No.9 of 2012 (against the order dated 30 November 1965 passed by ALT in 32G proceeding in favour of Anya Govind Patil and others) was quashed and set aside and the proceeding was remitted back to the SDO with a direction to decide the application for condonation of delay in the first instance, and, in the event, the delay was condoned, decide the main appeal (TA No.9 of 2012) on merits.

3.16 Upon remand, SDO Bhiwandi, condoned the delay in preferring the appeal, and, thereafter, allowed Babu Pandu Patil's Tenancy Appeal No.9 of 2012 (renumbered as 37 of 2015), by setting aside the judgment and order dated 30 November 1965 passed by the ALT to the extent of the subject land bearing Survey No.40/4 and remitted the matter back to ALT to decide the application under Section 32G of the MT & AL Act, 1948, afresh on merits.

3.17 The application preferred by Babu Pandu Patil under Section 32G of the MT & AL Act, 1948, was upon remand, renumbered as Tenancy Case No.32G/Re-Inquiry/2/2017, and by a judgment and order dated 3 May 2017, the ALT allowed the said application and determined the purchase price of the subject land. Upon deposit of the purchase price, a certificate under Section 32M of the MT & AL Act, 1948, came to be issued by Tahasildar / ALT, Bhiwandi, in favour of Babu Pandu Patil on 12 September 2017.

3.18 The Respondent Nos.1 to 13 preferred Tenancy Revision Application No.373 of 2018 before the MRT, assailing the judgment and order dated 8 February 2017 passed by the SDO in Appeal No.37 of 2015.

3.19 Respondent Nos.1 to 13 also preferred Tenancy Appeal No.168 of 2017 before the SDO, Bhiwandi, challenging the determination of the purchase price in Babu Pandu Patil's Tenancy Case No.32G/Re-Inquiry/2/2017. By a judgment and order dated 12 February 2021, the SDO dismissed the said Appeal No.168 of 2017. It was, inter alia, observed that the name of Babu Pandu Patil was entered in the record of rights of the subject land prior to the Tiller's day.

3.20 Respondent Nos.1 to 13 preferred Tenancy Revision Application No.328 of 2022 before the MRT challenging the said judgment and order dated 12 February 2021 in Tenancy Appeal No.168 of 2017.

3.21 Learned President, MRT heard the Revision Application No.373 of 2018 preferred against the judgment and order dated 8 February 2017 passed by the SDO in Appeal No.37 of 2015, thereby remitting the matter back to the Tahasildar / ALT for afresh determination, and Revision Application No.328 of 2022 against the judgment and order dated 12 February 2021 passed by the SDO, thereby dismissing Appeal No.168 of 2017 filed by Respondent Nos.1 to 13 against the determination of the purchase price in respect of the subject land in favour of Babu Pandu Patil, together.

3.22 By a common judgment and order dated 5 December 2023, the learned President, MRT, allowed both the Revision Applications observing, inter alia, that the entries in the record of rights in regard to the cultivation of the subject land by Babu Pandu Patil appeared to be suspect and interpolated. Secondly, the status of the predecessor in title of Respondent Nos.1 to 13 and that of Babu Pandu Patil qua the subject land was already determined in the previous proceedings before the authorities under the MT & AL Act, 1948 and the challenge thereto, at the instance of the predecessor in title of the Petitioners, was barred by the principle of res-judicata. Thus, the order passed by the SDO in Tenancy Remand Appeal No.37 of 2015 was set aside and the order dated 30 November 1965 passed by the ALT in proceedings under Section 32G of the MT & AL Act, 1948, in favour of the predecessor in title of Respondent Nos.1 to 13 was restored. Likewise, the order dated 3

May 2017 passed by the ALT in a proceeding under Section 32G, being Case No.32G/re-inquiry/2/2017 and the order passed in Tenancy Appeal No.168 of 2017 by the SDO, were set aside.

3.23 For the sake of completeness, it is necessary to note that in the Review Application Nos.1 of 2024 and 2 of 2024, learned President, MRT, allowed the review and dismissed both the Revision Application Nos.373 of 2018 and 328 of 2022 and restored the orders which were set aside by the judgment and order dated 5 December 2023 in the Revision Applications. In WP Nos.14312 of 2024 and 14311 of 2024, this Court set aside the orders passed in review and, thus, the orders passed in revisions stood restored. That is how the Petitioners have again assailed the orders passed in Revision Application Nos.328 of 2022 and 373 of 2018.

3.17 The broad position which thus emerges is that, the status of Anya Govind Patil, predecessor in title of Respondent Nos.1 to 13, as the tenant in respect of the subject land stands affirmed; the decision in Tenancy Case No. No.32G/Kra.L-5527 dated 30 November 1965 in favour of Anya Govind Patil stands restored; the declaration that Babu Pandu Patil was not the tenant in respect of the subject land stands confirmed and the determination of the purchase price in respect of the subject land in favour of Babu Pandu Patil and the consequent Certificate issued under Section 32M of the MT & AL Act,

1948, stand quashed and set aside.

4. In the wake of the aforesaid chequered history of litigation and the position as it obtains today, I have heard Mr. Girish Godbole, learned Senior Advocate for the Petitioners, Mr. Atul Damle, learned Senior Advocate for Respondent Nos.1 to 11 and 13 in WP No.10982 of 2026 and Mr. Karandikar, learned Counsel for Respondent Nos.1 to 11 and 13 in WP No.11013 of 2026.

5. Mr. Godbole, learned Senior Advocate for the Petitioners, canvassed a two pronged submission premised on the legal implications of a tenant being in cultivation of the agricultural land on the Tiller's day. Firstly, the determination of the purchase price by the ALT by an order dated 30 November 1965 in favour of Anya Govind Patil was solely on the basis of the purported mutation entry No.1193. Since the said mutation entry was purportedly certified on 15 May 1962, it could not have been the basis of the claim that, Anya Govind Patil, predecessor in title of Respondent Nos.1 to 13, was in possession and cultivation of the subject land on the Tiller's day. The *Kabulayat* on the basis of which the said mutation entry No.1193 was certified did not see the light of the day. Thus, the order passed by the ALT under Section 32G of the MT & AL Act, 1948, qua the subject land, was manifestly infirm, submitted Mr. Godbole.

6. Secondly and conversely, Mr. Godbole would submit, the record of

rights of the subject land makes it abundantly clear that Babu Pandu Patil, predecessor in title of the Petitioners, was in cultivation of the subject land since the year 1952-53 continuously. The entries in the cultivation column clearly demonstrate that, as on the Tiller's day, Babu Pandu Patil who was in possession and cultivation of the subject land. If mutation entry No.1193 is considered in juxtaposition with the entries in the record of rights of the subject land, the unsustainability of the claim of Anya Govind Patil, predecessor in title of Respondent Nos.1 to 13, becomes explicitly clear. The ALT and SDO have upon evaluation of the aforesaid material, which unmistakably indicated that Babu Pandu Patil was in cultivation of the subject land since prior to the Tiller's day, recorded concurrent and justifiable findings of facts. In exercise of limited revisional jurisdiction, the MRT could not have interfered with the orders passed by the ALT and SDO.

7. Mr. Godbole would further submit that, the fact that in a maze of proceedings, certain orders were passed by the authorities under the MT & AL Act, 1948, discarding the claim of predecessor in title of the Petitioners is of no significance as eventually by an order dated 18 May 2015 in Tenancy Revision Application No.535 of 2013, MRT had remanded the matter back to the SDO for afresh determination. The said order was not challenged by any of the Respondents. Consequently, Mr. Godbole would urge, the order dated 18 May 2015 permitting the withdrawal of Tenancy Revision Application

No.536 of 2013 against the order dated 8 July 2013 passed in Tenancy Appeal No.203 of 2011 cannot be read de hors the order of remand in Tenancy Revision Application No.535 of 2013. As the MRT directed afresh determination of the Tenancy Appeal No.9 of 2012, the withdrawal of Tenancy Revision Application No.536 of 2013 did not impinge upon the rights and claim of Babu Pandu Patil.

8. As against this, Mr. Damle, learned Senior Advocate for Respondent Nos.1 to 11 and 13 in WP No.10982 of 2026, stoutly submitted that the MRT was fully justified in exercising the revisional jurisdiction as the authorities below had committed gross error in law in determining the purchase price under Section 32G in respect of the subject land when the order fixing the purchase price of the subject land passed in the year 1965, was not assailed for over 40 years.

9. Secondly, Mr. Damle would urge, the claim of Babu Pandu Patil was apparently based on the entries in the cultivator's column of record of rights of the subject land, which ex-facie appeared to be suspicious and interpolated. Those entries were not made in the chronological order and the name of Babu Pandu Patil was inserted as cultivator in between the entries made in seriatim. The ALT and the SDO were, thus, clearly in error in basing their findings on such suspect material. The MRT had rightly held that the entries

in the cultivator's column of the subject land appeared to have been interpolated and the question as to who was the tenant in respect of the subject land had attained finality, and, therefore, the challenge thereto, was barred by the principle of res-judicata.

10. Mr. Karandikar, learned Counsel for Respondent Nos.1 to 11 and 13 in WP No.11013 of 2026, supplemented the submissions of Mr. Damle. Mr. Karandikar laid emphasis on the fact that the twin questions as to whether Anya Govind Patil was the tenant in respect of the subject land on the Tiller's day and whether Babu Pandu Patil was not in possession and cultivation of the subject land on the Tiller's day, were conclusively determined by the authorities under the MT & AL Act, 1948, not only in the proceedings instituted by Babu Pandu Patil or his successors in interest, but also the proceedings at the instance of the landlord.

11. Mr. Karandikar laid stress on the order passed by the ALT in Tenancy Case No.52 of 2010 filed by Babu Pandu Patil seeking a declaration that he was the tenant in respect of the subject land and that the name of Anya Govind Patil (Respondent No.5 therein), was unlawfully recorded as tenant in respect of the subject land. Both the questions were answered in the negative and it was declared that late Babu Pandu Patil was not the tenant in respect of the subject land.

12. Mr. Karandikar also banked upon the judgment and order passed by the SDO in Tenancy Appeal no.114 of 2014 dated 11 November 2016, whereby the SDO set aside the order passed by the ALT in Tenancy Case No.35 of 2010 filed by the landlords – Respondent Nos.14 to 17, thereby directing that the name of Anya Govind Patil be deleted as the tenant from rest of the larger properties, except Survey No.40/4 (the subject land). By the said order dated 11 November 2016, the SDO set aside the said order dated 31 January 2014 passed by the ALT and restored the order fixing the purchase price of the subject land passed under Section 32G in the year 1966. Babu Pandu Patil was also the party Respondent to the said appeal. Thus, once the status of Anya Govind Patil as a tenant in respect of the subject land was reaffirmed in the proceedings both at the instance of the landlord and Babu Pandu Patil, the authorities could not have ventured into the determination of the said question afresh, urged Mr. Karandikar

13. Mr. Karandikar further submitted that, the Petitioners cannot draw any mileage from the fact that, Tenancy Revision Application No.536 of 2013 (which was withdrawn) and Tenancy Revision Application No.535 of 2013 were disposed on one and the same day by the MRT. Taking the Court through the orders passed by the MRT on 18 May 2015 and, particularly the roznama of the proceedings, Mr. Karandikar submitted that, first Tenancy Revision No.536 of 2013 was withdrawn by Babu Pandu Patil. Therefore, the

submission that both the orders formed part of one composite determination, cannot be countenanced.

14. Though the litigation has a chequered history with multiple rounds and over a dozen proceedings, yet, the controversy between the parties lies in a narrow compass. Who was in the cultivation of the subject land on the Tiller's Day is the moot question; upon the answer to which the fate of the rival claims hinges.

15. Incontrovertibly, by an order dated 30 November 1965, the ALT fixed the purchase price under Section 32G of the MT & AL Act, 1948, purportedly on the basis of Mutation Entry No. 1193 which recorded that Anya Govind Patil, the predecessor-in-title of the Respondent Nos.1 to 13, had been in cultivation of the subject land on the basis of a *Kabulayat* and was in actual possession thereof on 17 April 1962.

16. Per contra, the Petitioners lay claim of tenancy over the subject land on the ground that, Babu Pandu Patil was in possession and cultivation of the subject land since prior to the Tiller's day. The edifice of the said claim of the Petitioners entirely rests on the entries in the cultivator's column of the record of rights of the subject land. In effect, at the heart of the controversy are the Mutation Entry No. 1193 and the entries in the record of rights of the subject land in the cultivator's column.

17. A correct appreciation of the import of the aforesaid two documents provides a legitimate answer to the controversy at hand. First, the nature of the aforesaid two documents deserves to be appreciated and then the legal implications thereof. Mutation Entry No. 1193 certified on 15 May 1962 records that late Sorabji Meherbanji was the landlord of the larger properties including the subject land. The name of Anya Govind Patil, the predecessor-in-title of the Respondent Nos. 1 to 13, was entered as a tenant thereof on the basis of *kabulayat*. The officer certifying the said Mutation Entry No. 1193 has made an endorsement that Anya Govind Patil was in possession since prior to 1949 on the basis of *kabulayat*. On the date of mutation as well, Anya Govind Patil was in possession of the subject land. What is of critical salience is that, the certifying Officer has made a categorical endorsement that *kabulayat* was verified.

18. The said Mutation Entry thus records the instrument under which late Anya Govind Patil, came in possession of the subject land and since when. On a plain construction, the said Mutation Entry No. 1193 evidences Anya Govind Patil's possession and cultivation of the subject land as on the Tiller's day.

19. It is imperative to note that not only the said Mutation Entry No. 1193 was not challenged before any Authority till the year 2010 but even the order

dated 30 November 1965 fixing the purchase price in respect of the larger properties, including the subject land was not assailed either by the landlord or Babu Pandu Patil till the year 2010. It appears that, post 2010 there was a flurry of proceedings both at the instance of successors-in-interest of the landlord and the predecessor-in-title of the Petitioners.

20. The thrust of the submission of Mr. Godbole was that, the said Mutation Entry No. 1193, certified in the year 1962, was of no significance since the name of Babu Pandu Patil was shown as cultivator of the subject land even prior to the Tiller's day, as was evident from the record of rights of the subject land. .

21. The MRT was not persuaded to give much weight to the entries in the cultivator column of 7, 7A and 12 extract of the subject land as the entries pertaining to the years 1952-1953 and onwards appeared to have been interpolated therein. Indeed the 7, 7A and 12 extract of the subject land makes an interesting reading. The first entry was of the year 1986-1987. The second was of the year 1987-1988 and the third was of the year 1988-1989. However, in between the first and second entries, (for 1986-1987 and 1987-1988), the entries for the year 1952-1953 and 1953-1954 appeared to have been inserted. Likewise, in between second and third entries (for the year 1987-1988 and 1988-1989), an entry for the year 1954-1955 seemed to have

been inserted. Same pattern was followed till the year 1977-1978. Surprisingly, the entries in the name of Anya Govind Patil seem to have been entered for the years 1959-1960, 1960-1961 and 1961-1962, after the entry for the year 1977-1978 in the name of Babu Pandu Patil.

22. *Ex-facie* the entries in the cultivator's column in the record of rights of the subject land do not warrant implicit reliance. It defies comprehension that after the first entry in the year 1986-1987, there could have been entries for the year 1952-1953 and 1953-1954. The insertion of the entries of cultivation for the period 32 to 35 years ago, is simply inexplicable.

23. It would be contextually relevant to note that, under Rules 29 and 30 of the Maharashtra Land Revenue Record of Rights and Lands and Registers (Preparation and Maintenance) Rules, 1971 ("the Rules, 1971"), provisions have been made for making entries in the Register of Crops every year. The Village Officer is expected to visit the fields and note the crops standing in the fields and, thereafter, make the entries. Under Rule 31 of the Rules, 1971, the Village Officer is enjoined to verify the person who is in actual possession of a survey number and make entries in the Register of Persons in Possession other than the persons who is deemed to be in possession, according to the record of rights. Rule 32 warrants maintenance of Register of Tenancies by the Talathi in Form No. XV for each agricultural year separately. The entries in

the register of the tenancies should be tested by the Circle Officer when he examines the crops, and by other officers of higher rank.

24. The aforesaid rules warrant the making of the entries in the Registers and record of rights contemporaneously. Of necessity, the entries regarding cultivation in the record of rights were required to be made year on year. An entry for one year in the cultivator's column can never be followed by another entry recording cultivation prior to 30 years. No presumption of correctness can be attached to such entries in the record of rights.

25. The learned President, MRT was justified in discarding the aforesaid entries in the record of rights by placing reliance on the decision of the Supreme Court in the case of **Vishwa Vijay Bharati Vs Fakhrul Hassan And Ors.**¹ In the said case the Supreme Court has enunciated in no uncertain terms that an entry made in the record of rights is open to the attack on the ground that it was made fraudulently or surreptitiously. The observations in paragraphs 14 and 15 are material and hence extracted below:

“14. It is true that the entries in the revenue record ought, generally, to be accepted at their face value and courts should not embark upon an appellate inquiry in to their correctness. But the presumption of correctness can apply only to genuine, not forged or fraudulent, entries. The distinction may be fine but it is real. The distinction is that one cannot challenge the

1 (1976) 3 SCC 642.

correctness of what the entry is the revenue record states but the entry is open to the attack that it was made fraudulently or surreptitiously. Fraud and forgery rob a document of all its legal effect and cannot found a claim to possessory title.

15. In **Amba Prasad Vs Abdul Noor Khan**², it was held by this Court that section 20 of the U.P. Act 1 of 1951 does not require proof of actual possession and that its purpose is to eliminate inquiries into disputed possession by acceptance of the entries in the Khasra or Khatauni of 1356 Fasli. While commenting on this decision, this Court observed in **Sonawati Vs Sri Ram and Anr**³ that:

"the Civil Court in adjudging a claim of a person to the rights of an adhvasi is not called upon to make an enquiry whether the claimant was actually in possession of the land or held the right as an occupant: cases of fraud apart, the entry in the record alone is relevant". We have supplied the emphasis in order to show that the normal presumption of correctness attaching to entries in the revenue record, which by law constitute evidence of a legal title, is displaced by proof of fraud." (emphasis supplied)

26. Such being the nature of the entries, in the record of rights of the subject land, which formed the foundation of the claim of tenancy of Babu Pandu Patil, the endeavour on behalf of the Petitioners to assail the legality and validity of the order dated 30 November 1965 fixing the purchase price in respect of the subject land in favour of Anya Govind Patil cannot be

² AIR 1965 SC 54.

³ AIR 1968 SC 466.

countenanced. On balance, Mutation Entry No. 1193 stands on a higher pedestal than the claim of the Babu Pandu Patil. The former was certified on the basis of *Kabulayat* which was verified by the certifying authority.

27. The fact that the determination of the rights of the parties in the previous proceedings, had attained finality also bears upon the challenge to the impugned orders. As noted above, after the year 2010 the status of Anya Govind Patil as the tenant in respect of the subject land was sought to be questioned by the landlord as well as Babu Pandu Patil. In tenancy Case No. 52 of 2010, Babu Pandu Patil sought twin declarations. First, Babu Pandu Patil was the tenant in respect of the subject land as he had been in possession and cultivation thereof since prior to the Tiller's day, i.e. 1st April 1957. Second, Anya Govind Patil (R5 therein) was never in possession and cultivation of the subject land and, thus, was not a tenant in respect of the said land. The ALT by a judgment and order dated 8 August 2011 dismissed the said Application and expressly rejected the prayer that it be declared that Anya Govind Patil was not a tenant in respect of the subject land. Evidently, ALT had framed the issues whether Babu Pandu Patil was the tenant in respect of the subject land and the mutation of name of Anya Govind Patil as a tenant vide Mutation Entry No. 1193 was illegal. Both the issues were answered against Babu Pandu Patil.

28. Appeal No. 203 of 2011 preferred by the Babu Pandu Patil against the said decision of ALT, came to be dismissed by the SDO by a judgment and order dated 8th July 2013. Revision Application No. 536 of 2013 preferred by Ram Babu Patil, the Petitioner No.1, against the said order dated 8th July 2013, came be withdrawn.

29. Mr. Karandikar was justified in canvassing a submission that the withdrawal of Revision Application No. 536 of 2013 preceded the decision in Revision Application No. 535 of 2013, whereby Tenancy Appeal No. 9 of 2012 was remanded back to SDO. Thus, the declaration made by the ALT in Tenancy Case No. 52 of 2010 that Babu Pandu Patil was not a tenant in respect of the subject land attained finality.

30. In the other front, opened by the landlord, being Tenancy Case No 35 of 2010, seeking a declaration that Anya Govind Patil was not a tenant in respect of the larger properties and for a direction to delete his name from record of rights as tenant, initially by a judgment and order dated 31 January 2014, the name of Anya Govind Patil was ordered to be deleted from the record of rights of the larger properties, except the subject land.

31. In the Appeal preferred by the legal representatives of Anya Govind Patil, being Tenancy Appeal No. 114 of 2014, the SDO set aside the said order and restored the order dated 30 November 1965 passed by the ALT

under Section 32G of the MT & AL Act, 1948. It does not appear that Respondent Nos. 14 to 17 had challenged the said judgment and order in Tenancy Appeal No. 114 of 2014. Resultantly in the proceedings instituted at the instance of the landlord also, the tenancy of Anya Govind Patil was reaffirmed.

32. In the face of the aforesaid orders, it was not open for Babu Pandu Patil and his successors-in-interest to again agitate the issue of tenancy rights in respect of the subject land. The twin declarations that Babu Pandu Patil was not the tenant and Anya Govind Patil was the tenant, in a sense, sealed the issue.

33. The learned President, MRT was thus within his rights in holding that the challenge to the order dated 30 November 1965 passed under Section 32G of the MT & AL Act, 1948 and the claim for determination of the purchase price under Section 32G of the MT & AL Act, 1948 in favour of Babu Pandu Patil, after those orders attained finality, were barred by the principles of res judicata.

34. It is well-recognized that, the principle of res judicata applies to the proceedings before the quasi-judicial authorities and also binds them. A useful reference in this context can be made to a judgment of the Supreme Court in the case of **Faime Makers Private Limited Vs District Deputy Registrar,**

Cooperative Societies (3), Mumbai and Ors,⁴ wherein the legal position was reiterated with reference to the previous precedents. The observations in paragraphs 23 to 26 read as under :

“23. It has been settled by this Court that the principle of res judicata applies to and binds quasi-judicial authorities. This Court in **Ujjam Bai Vs State of U.P.**⁵ has taken the view that principles of res judicata equally apply to quasi-judicial bodies. Whenever a judicial or quasi-judicial tribunal gives a finding on law or fact, its findings cannot be impeached collaterally or in a second round and are binding until reversed in appeal or revision or by way of writ proceedings.

24. The characteristic attribute of a judicial act or decision is that it binds, whether right or wrong. Thus, any error, either of fact or law, committed by such bodies cannot be controverted otherwise by way of an appeal or revision or a writ unless the erroneous determination relates to the jurisdictional matter of that body.

25. This position has been further reinforced in **Abdul Kuddus Vs Union of India**⁶ which relies upon **Ujjam Bai (supra)**. In **Abdul Kuddus (Supra)**, this Court held that the opinion by the Foreigners Tribunal is a quasi-judicial order. Therefore, it would be incorrect to hold that the opinion of the Tribunal and/or the consequential order passed by the registering Authority would not operate as res judicata. Further, it was established that any

4 (2025) 5 sCC 772.

5 1962 SCC OnLine SC 8.

6 (2019) 6 SCC 604.

quasi- judicial Authority would not ordinarily have the power to unilaterally take a contrary view taken by a coordinate or predecessor authority at an early point in time.

26. From the foregoing discussion, it is evident that once a Competent Authority (quasi-judicial in nature) settles an issue, that determination attains finality unless it is set aside in accordance with law.” (emphasis supplied)

35. The conspectus of the aforesaid consideration is that, on the one hand, the claim of Babu Pandu Patil based on the entries in the cultivator's column of the record and rights of the subject land was fraught with inherent infirmities as those entries appeared to have been surreptitiously inserted randomly. On the other hand, in view of the previous judgments and orders in the proceedings to which Babu Pandu Patil was a party, the question as to who was the tenant in respect of the subject land was directly and substantially in issue, and was conclusively decided against him and thus the fresh proceeding under Section 32G of the MT & AL Act, 1948, was barred by the principles of res judicata.

36. For the forgoing reasons this Court does not find any infirmity in the impugned order.

37. Resultantly, the Petitions deserve to be dismissed.

38. Hence, the following order :

ORDER

- (i) Writ Petitions stand dismissed.
- (ii) Rule discharged.
- (iii) No costs.

(N.J.JAMADAR, J.)