IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.6673 OF 2014

Narayan Subrao Patil ..Petitioner
Vs.
Balu Sakharam Desai (Kadgaonkar) & Anr. ..Respondents

Mr. G. N. Salunke for the Petitioner
Mr. Prashant Kulkarni a/w Mr. A. B. Desai for the Respondent No.1A

CORAM : R. M. SAVANT, J.
DATE : 28th July, 2015

P.C.

1 The Writ Jurisdiction of this Court is invoked against the order dated 29-1-2014 passed by the Learned Member of the Maharashtra Revenue Tribunal, pune by which order, the Revision Application filed by the Petitioner came to be dismissed.

2 The Petitioner herein is the heir of one Subrao Patil. It appears that the proceedings under Section 32G were initiated in respect of the land in question being Survey No.160 Gat No.623 area admeasuring 1 H 49 Ares situated at Village Kumari, Taluka Gadhinglaj. In the said proceeding, the said Subrao Patil and one Krishnabai Balu Kadgaonkar were arrayed on one side and the landlord Vishwanath Deshpande was on the other side and the proceedings were numbered as Tenancy Case No.32G/Kumari/159. The said proceedings it seems were initiated after the disability of the landlord had

come to an end in terms of Section 32F of the Bombay Tenancy and Agricultural Lands Act (for short the said Act). In the said proceedings, the purchase prise was fixed at Rs.106.25 and an order came to be passed to the said effect on 30-5-1972. It seems pursuant to the said order a change was effected in the revenue record so as to include the name of the said Krishnabai Kadgaonkar which pherphar was taken exception to by the Petitioner by filing an Appeal, which according to the Petitioner was wrongly styled as an Appeal under Section 74 of the said Act rather than an RTS Appeal. The said Appeal came to be dismissed by the Sub Divisional Officer (SDO) by order dated 28-8-2006. In view of the observations made in the said order that the Petitioner thereafter filed an Appeal challenging the order passed under Section 32G dated 30-5-1972. The said Appeal came to be dismissed by the SDO by order dated 4-8-2008 against which the Petitioner filed the instant Revision Application before the Maharashtra Revenue Tribunal (for short MRT). The MRT has by the impugned order dismissed the Revision Application. The MRT has referred to the facts antecedent to the passing of the order under Section 32G, wherein the statement was recorded of the ancestor of the Petitioner namely the said Subrao Patil where he had accepted that the said Krishnabai was in cultivation of the land in question as also the statement of the landlord that Krishnabai was in cultivation and the name of Subrao Patil was wrongly recorded as tenant. It is after taken into consideration the said material which was considered by the First Authority as also the Appellate Authority that the

MRT dismissed the Appeal.

3 In my view, having regard to the reasons mentioned in the impugned order passed by the MRT, no case for interference in the Writ Jurisdiction of this Court is made out. The Writ Petition is accordingly dismissed.

[R.M.SAVANT, J]