

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.374 OF 2014

(MANOHAR NARAYAN BONGIRWAR & OTH...VS..THE MAHARASHTRA REVENUE TRIBUNAL & OTH)

 Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

CORAM : Z.A.HAQ, J.

DATED : JULY 25, 2016.

None appeared for the petitioner on 23rd March,
 2016, 6th April, 2016 and 8th July, 2016.

This Court has passed order on 6th April, 2016
 recording that the respondent Nos. 4 and 7 are reported to be
 dead, however, the petitioners have not taken any steps in the
 matter and therefore, the petition stands abated against the
 respondent Nos. 4 and 7.

Today, none appeared for the petitioner when the
 matter is called out.

Heard Shri A.P. Thakre, advocate for the
 respondent Nos. 2(d), 2(e), 3, 5 and 6, Ms. H.N. Jaipurkar,
 A.G.P. for the respondent Nos. 8 and 9 and Shri A.D. Sonak,
 A.G.P. for the respondent No.1.

Pursuant to the order passed by the Tahsildar on
 9th September, 1959 the name of Narayan Mahada Shende
 was entered in column No.8 of the list of tenants prepared
 under Section 8 of the Maharashtra Tenancy and Agricultural

Lands (Vidarbha Region) Act, 1958 (hereinafter referred to as "Tenancy Act, 1958"). Shri Narayan Madhao Bongirwar (predecessor of the petitioner Nos. 1 (a) to 1(f) and Shri Gajanan Madhao Bongirwar had initiated proceedings under Section 38 of the Tenancy Act, 1958 for possession of the land admeasuring 16.83 acres of Survey No. 223. These proceedings were finally decided by this Court and it was held that the predecessor of the present respondent Nos. 2 and 3 were tenants in respect of the land admeasuring 12.83 acres.

The predecessor of the present respondent Nos. 2 and 3 made an application to the Tahsildar / Agricultural Lands Tribunal praying that their names be entered in the record as tenants and lease-deed be executed in favour of the tenants. The Tahsildar rejected the application by the order dated 31st May, 1999. This order was challenged before the Sub-Divisional Officer in appeal which was allowed by the order dated 23rd April, 2010. The above order was challenged before the Maharashtra Revenue Tribunal in revision which is dismissed by the impugned order. The petitioners, being aggrieved by the orders passed by the Maharashtra Revenue Tribunal and the Sub Divisional Officer, have filed this petition.

With the assistance of the learned advocate for the respondent Nos. 2(d), 2(e), 3, 5 and 6 and the learned A.G.P., I have examined the documents placed on the record of the petition. The Tribunal has exhaustively considered the history of litigation and the effect of various orders passed by the competent Fora.

After considering the orders passed in the earlier litigations, the Tribunal has rightly confirmed the order passed by the Sub-Divisional Officer relying on the earlier order by which predecessor of the respondent Nos. 2 and 3 were declared as tenants and which attained finality.

I do not find any perversity or illegality in the impugned order which necessitates interference in the extraordinary jurisdiction.

The petition is **dismissed**. In the circumstances, the parties to bear their own costs.

JUDGE

RRaut..

CERTIFICATE

I certify that this order uploaded is a true and correct copy of original signed order.

Uploaded by : R.B. Raut, PS

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