

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.7138 OF 2015

Shri.Maruti Bhau Sutar And ors. ...Petitioners

Versus

Shri.Chandrakant Sadashiv Sutar And ors. ...Respondents

Mr.Sanskar Marathe, for the Petitioners.
Mrs.M.S.Bane, AGP for the State.

CORAM: G.S.Kulkarni,J
DATED: 17th January,2017

PC:-

1. Heard Mr. Sanskar Marathe, learned counsel for the Petitioners and learned AGP for Respondent No.2 -State of Maharashtra. This Petition is directed against an order dated 21st June 2014 passed by the learned Member (Judicial) Maharashtra Revenue Tribunal, Mumbai (for short "Tribunal"). By the impugned order, the Revision Application of the Petitioners has been dismissed.

2. The challenge made by the Petitioner before the Revenue Authorities and finally before the Tribunal was in respect of the mutation entry No.4852 made in favour of Respondent No.1, Chandrakant Sadashiv Sutar. The contention of the Petitioner is that Respondent No.1 was not a tenant in respect of the land in question, namely, Survey No.45, Hisssa No.3, as the impugned entry would show that Respondent No.1 has come in possession of the said land from the year 1981. The said mutation entry could not have been effected to show the name of Respondent No.1 in the column of other rights so as to recognize the transfer of the land in his favour, as per the provisions of the Section 32-G of the Bombay Tenancy and Agricultural Lands Act, 1948.

3. On perusal of the record, it is quite clear that one Eknath Shankar Sutar was shown as the owner of the land. The Revenue Authorities have also observed that he had become the tenant of the suit land with effect from 1st April 1957. These observations are on the basis of documents on record before these Authorities. There is no challenge to

these findings. Initially, the Sub-Divisional-Officer in dealing the Appeal preferred by the Petitioner has considered this position on record, as also has observed on locus of the Petitioner No.1 to raise such a challenge. It is observed that admittedly the Petitioner No.1 is a third party.

4. The record indicates that in no manner Petitioner No.1 is concerned with the suit land. Petitioner No.1 was the only Appellant in the Appeal filed before the Sub Divisional officer and Petitioner No.2 was impleaded as Respondent No.2. However, in the Revision, which was filed before the Tribunal, Petitioner No.2, was impleaded as Applicant No.2.

5. Thus having perused the findings as recorded by the learned Member of the Tribunal, it is clear that the learned Member considering the facts of the case did not find favour on the contention as urged on behalf of the Petitioners. The Tribunal has also observed that the mutation entry was not challenged by the original landlord for almost 10 years. The Petitioners are not in a position to show any perversity in his findings recorded by the Tribunal in the impugned order.

The Petition is thus devoid of any merit and is accordingly rejected. No costs.

(G.S.Kulkarni,J)