

**FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.8769 OF 2015

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr.Amol D. Joshi for the Petitioner

**CORAM : K. K. TATED, J.
DATE : JUNE 21, 2017**

P.C.:

- 1 Heard the learned counsel for the petitioner.
- 2 By this petition under Article 227 of the Constitution of India the Petitioner challenges the order dated 8.11.2011 passed by Tahsildar, Rajapur in Tenancy Application No.26 of 2011, order dated 4.10.2012 passed by Sub-Divisional Officer in Tenancy Appeal No.21 of 2012 and order dated 16.4.2015 passed by learned Presiding Officer, Maharashtra Revenue Tribunal, Mumbai in Revision Application Number 600/B/2012 rejecting petitioner's claim under section 76(1) of the Bombay Tenancy and Agricultural Lands Act, 1948 as a tenant in respect of Survey No.1483 Hissa No.6, admeasuring 0H 19.6 R situated at Village Wadapeth, Taluka Rajapur, Dist.Ratnagiri.
- 3 The learned counsel for the petitioner submits that the authorities below failed to

consider the important documents i.e. statement of landlord Sakhara Dhanseth Teli dated 18.8.70 admitting that he was getting Rs.5/- per year by way of rent in respect of suit property.

4 The learned counsel for the petitioner fairly admitted that the said document was not referred by them at the time of filing the application under section 70B of the said Act before the learned Tahsildar and or in Appeal before the Sub-Divisional Officer. He submits that all the authorities below erred in coming to the conclusion that the petitioner failed to prove his possession and or cultivation in respect of the suit agricultural land. Hence, though there is a concurrent finding of fact recorded by all the authorities below against the petitioner, same are required to be set aside.

5 I have gone through the copy of order dated order dated 8.11.2011 passed by Tahsildar, Rajapur in Tenancy Application No.26 of 2011, order dated 4.10.2012 passed by Sub-Divisional Officer in Tenancy Appeal No.21 of 2012 and order dated 16.4.2015 passed by learned Presiding Officer, Maharashtra Revenue Tribunal, Mumbai in Revision Application Number 600/B/2012. Bare reading of these orders shows that the petitioner failed to place on record single document to show that he was cultivating the suit property as a tenant. Not only that he has not placed on record either 7/12 extract to show that he was cultivating

the land and or any affidavit from Patwari to show that he was in possession of the suit property.

6 Considering the finding recorded by all the authorities below and as there is concurrent finding of fact recorded by both the authorities, I am of the opinion that the petitioner has not made out any case to interfere with the well reasoned order passed by the authority below.

7 Hence, Writ Petition stands rejected.

(K.K.TATED, J.)