

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD

WRIT PETITION NO. 6867 OF 2018

Kadu s/o Yamaji Shere and another .. Petitioners

versus

Atmaram s/o Vinayak Deshmukh (died)
through legal representatives :-

1A. Sanjay s/o Atmaram Deshmukh and others .. Respondents

Mr Devdatt P. Palodkar, Advocate for petitioners

CORAM : SUNIL P. DESHMUKH, J.

DATE : 3rd July, 2018

ORDER :

1. Heard learned counsel for the petitioners.
2. Writ petition has been preferred against three concurrent decisions rendered by authorities at three hierarchical levels.
3. Learned counsel submits that after surrender of tenancy way-back in 1959-60, for initial 3-4 years the landlord had not continued cultivation of surrendered property. He contends that landlord had subsequently parted with the same. He purports to contend that action of the landlord has been in breach of section 45(1)(b) of the Hyderabad Tenancy and Agricultural Lands Act, 1950.

4. Perusal of the order of the last authority i.e. the Maharashtra Revenue Tribunal indicates that it has taken into account that there has been possession of landlord since 1960-61 persistently. There is no record made available to cast doubt or disbelieve veracity of the same. Oral submission on breach of section 45(1)(b) of the Act without any material in support, would not be a consideration to cause interception in impugned order, in discretionary powers of this court. There are concurrent findings of facts which are not shaken.

5. No case is made out to cause interference with three concurrent orders passed by different authorities.

6. Writ petition is, therefore, rejected.

SUNIL P. DESHMUKH,
JUDGE

pnd/-