

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

WRIT PETITION NO.9121 OF 2017

Ananta Ladkya Gawali	..	Petitioner
Vs.		
The State of Maharashtra & Ors.	..	Respondents

Mr.Aniket P. Ranade for the petitioner.
Mr.S.H. Kankal, AGP for the respondent no.1-State.

CORAM : R.D. DHANUKA, J.
DATE : 2nd May 2018

P.C.:

. By this petition filed under Article 227 of the Constitution of India, the petitioner has impugned the order dated 30th June 2017 passed by the learned Member (Administrative), Maharashtra Revenue Tribunal, Mumbai and also the order dated 21st October 2015 passed by the learned Sub-Divisional Officer, Vasai thereby dismissing the revision application and the appeal filed by the petitioner respectively.

2. With the assistance of the learned counsel for the petitioner, I have perused the findings rendered by the two authorities below. The learned Sub-Divisional Officer has dismissed the appeal on merits. The Maharashtra Revenue Tribunal has rendered a detailed order and judgment and has rendered various findings of facts against the petitioner.

3. A perusal of the order passed by the Maharashtra Revenue Tribunal indicates that the Maharashtra Revenue Tribunal has rendered a finding that in the instance case, the respondents' predecessor Navsha

Dhaktya and after his demise, Shidya Navsha continued the tenancy and their tenancy was confirmed and purchase price was fixed as far back as in the year 1964 itself. The Maharashtra Revenue Tribunal has also rendered a finding that the revision applicants had not come before the first appellate Court and also before the Tribunal with clean intention as they had not contradicted nor commented on the claim of the respondents. There was family partition in between the parties and the lands in dispute had come to the share of Navsha's branch. The Maharashtra Revenue Tribunal has also rendered various findings of facts and has held that no interference was warranted in the order passed by the Sub-Divisional Officer, Vasai.

4. A perusal of the order passed by the Sub-Divisional Officer indicates that though he has condoned the unexplained delay in filing the appeal and has rendered various findings of facts and has rightly rejected the appeal filed by the petitioner.

5. Learned counsel for the petitioner states that there was no partition of property. The argument of the learned counsel is contrary to the findings rendered by the two authorities below. The argument is accordingly rejected.

6. In my view, the findings rendered by the two authorities are not perverse and thus this Court cannot interfere with under Article 227 of the Constitution of India. The petition is devoid of merits and is accordingly dismissed.

R.D. DHANUKA, J.