

ISM

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 6251 OF 2019**

John Fransis Fernandes

.....Petitioner

V/s.

Suresh Uttam Ugavekar Decd
thru LR's and others

.....Respondents

Mr. Gangadhar J. Sabnis for the Petitioner
None for respondent**CORAM : NITIN W. SAMBRE, J.****DATE : JUNE 27, 2019.****P.C.**

Heard.

2 70B proceedings under the provisions of Maharashtra Tenancy and Agricultural Lands Act, 1948 (Hereinafter referred to as 'the Act' for the sake of brevity) were initiated by the respondent land owner in which Mamlatdar passed an order on 04/04/1996 thereby directing removal of name of Francis Philip Fernandes and Anton

Halos Fernandes vide impugned order dated 04/04/1996 in regard to land at village Ranbambuli Survey no. 165 Hissa no. 1 area 1.14 and 0.32.

3 After death of Francis, an Appeal being 57 of 2014 came to be preferred by John, son of Francis and Anton under Section 74 of the Act before Sub-Divisional Officer ('SDO' for short). The said appeal came to be dismissed on 23/05/2016. Feeling aggrieved, Revision under Section 76 of the Act was preferred before Maharashtra Revenue Tribunal ('MRT' for short) which was also dismissed. As such, this petition.

4 The learned counsel for the petitioner submits that before the order under Section 70B on 04/04/1996 was passed, the petitioners were never put to notice nor they were heard in the matter.

5 Having perused all the three orders what is noticed is, father of petitioner no. 1 namely Francis and Anton have appeared in the matter and deposed before Tahsildar in an inquiry under Section

70B that they have no relation with the land in question which is formed to be basis for passing an order. After almost 18 years an appeal came to be filed without explaining the delay claiming that proceedings under Section 70B were illegally conducted. The SDO in appeal has appreciated the material and dismissed the same.

6 Even in a revisional jurisdiction by the order impugned dated 27/09/2018, MRT, apart from appreciation of delay of 18 years has dwelled upon the issue as regards the illness of the petitioner's father from 1991-2002 as the petitioner has not substantiated said claim with any documentary evidence.

7 In the aforesaid background, no case for interference in supervisory jurisdiction is made out. Petition fails, dismissed.

[NITIN W. SAMBRE, J.]