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

WRIT PETITION NO. 2225 OF 2013

Shri. Harishchandra Vitthal ChoudharyPetitioner
(Since Decd) through LR's

V/s.

Mathprasad Yadav (Since Decd)Respondents
through LR's and others

Mr. Sandeep Bhagwat i/b Mr. V. M. Abhyankar for the Petitioner
Mr. S. G. Karandikar for respondent nos. 2 to 12

CORAM : NITIN W. SAMBRE, J.

DATE : JUNE 24, 2019.

P.C.

Petitioner filed application under Section 70B of the Maharashtra Tenancy and Agricultural Lands Act, 1948 ('the Act' for short) which came to be decided by the Tahsildar on 23/09/2002 and confirmed by the Sub-Divisional Officer ('SDO' for short) on 29/04/2006 in favour of respondent-landlord rejecting claim of the petitioner as tenant. Revision before Maharashtra Revenue Tribunal ('MRT' for short) suffered fate of dismissal. As such, this petition.

2 The learned counsel for the petitioner while inviting the attention of this Court to the observations made by the Tahsildar and the MRT would urge that two important documents, the revenue entry of the year 1957 i.e. to be more precise 13/05/1957 in the name of Vithu Mahadev Choudhary thereby demonstrating his status as that of having cultivating the rights in the capacity of tenant and Panchanama drawn by the revenue authorities i.e. Talathi was also not appreciated which speaks of possession of said Vithu Mahadev Choudhary of whose the petitioner is a successor are not appreciated.

3 According to him, orders impugned suffer from non consideration of material documentary evidence, as such warrant interference.

4 *Per contra* the learned counsel for respondent submits that the very document viz. Panchanama as is claimed to have been drawn in favour of the petitioner was already set aside and an observation to that effect is made in the order impugned. Next limb of submission is, so far as the Revenue entries are concerned, it is informed by the

learned counsel for the respondent that those are already set aside.

5 Having considered submissions, this Court hardly notice any illegality which warrants interference under Article 227 of the Constitution of India.

6 All the three authorities i.e. Tahsildar, SDO and MRT have appreciated the evidence and reached to conclusion that the petitioner has failed to establish his right under Section 70B of the Act to the land in question.

7 The material as is sought to be relied upon by the petitioner is very much considered by the authorities. There appears to be appreciation of the same in the orders impugned. That being so, no case for interference is made out.

8 Petition fails, dismissed.

[NITIN W. SAMBRE, J.]