

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.10812 OF 2019

Nikhil Rasiklal Makhecha ... Petitioner
Vs.
Datta Jagannath Manera and others ... Respondents

Mr. Prashant D. Patil for Petitioner.

CORAM : UJJAL BHUYAN, J.
DATE : OCTOBER 07, 2019

P.C. :

Heard Mr. Prashant Patil, learned counsel for the petitioner.

2. By this writ petition under Article 227 of the Constitution of India, petitioner seeks quashing of order dated 28.03.2018 passed by the Maharashtra Revenue Tribunal, Mumbai (Tribunal hereinafter) dismissing the revision application filed by the petitioner.

3. According to the petitioner, his predecessor-in-interest was the owner of the land in question. After his death, the land devolved on the petitioner and his sisters.

4. Respondent Nos.1 to 4 filed application before the Tahsildar and Agricultural Lands Tribunal, Thane seeking declaration as agricultural tenants in respect of the land in question. Petitioner contested the said application by filing his response.

5. Tahsildar and Agricultural Lands Tribunal, Thane, after hearing the matter and considering the evidence on record, rejected the application of respondent Nos.1 to 4 vide order dated 03.11.2012.

6. Aggrieved by such rejection, respondent Nos.1 to 4 preferred tenancy appeal before the Sub-Divisional Officer, Thane, which was registered as Tenancy Appeal No.24 of 2013. Petitioner appeared in the appeal and contested the same by filing his response. However, the

appellate authority i.e. Sub-Divisional Officer, Thane passed order dated 09.11.2013 allowing the appeal of respondent Nos.1 to 4 by quashing the order dated 03.11.2012 passed by the Tahsildar and Agricultural Lands Tribunal, Thane. The appellate authority remanded the matter back to the Tahsildar and Agricultural Lands Tribunal for holding fresh enquiry.

7. Aggrieved by the aforesaid, petitioner preferred revision application before the Tribunal being Revision Application No.57 of 2014. Initially, Tribunal granted an order of stay on 19.03.2014. However, by final order dated 28.03.2018, Tribunal dismissed the revision application by confirming the appellate order dated 09.11.2013.

8. Aggrieved by the aforesaid, present Petition has been filed.

9. From a perusal of the impugned order dated 28.03.2018 passed by the Tribunal, it is seen that Tribunal has taken the view that order passed by the appellate authority in remanding the matter back was justified as the original authority neither carried out inspection nor directed local inquiry in respect of cultivation of the property, etc. Without expressing any opinion on merit, it was observed by the Tribunal that all such aspects of the matter would be examined minutely by the original authority and, therefore, it was held that no interference was called for. While affirming the order of the appellate authority, it was held that the learned Tahsildar and Agricultural Lands Tribunal should re-examine the documents in the light of the observations made by the appellate authority and also to allow the parties to deal with the documents tendered.

10. On thorough consideration of the matter, no error or infirmity in the order of the Tribunal dated 28.03.2018 is discernible. There is no merit in this petition. Writ Petition is dismissed.

(UJJAL BHUYAN, J.)