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

WRIT PETITIOIN ST. NO.20955 OF 2016

M/s Ratanshi Premji Charitable Trust

..Petitioner

Vs

Sharifa Suleman Shaikh & Ors.

..Respondents

Mr. Sunil Karandikar for the Petitioner.

Mr. Girish Godbole I/b Drupad Patil & Kaustubh Thipsay for the
Respondent Nos.1 to 6.

CORAM : A.S.GADKARI, J.

DATE : 4th June 2019.

P.C.:

1] Heard the learned counsel for the respective parties. Perused the record.

2] By the present petition, the petitioner has taken exception to the three concurrent Orders passed by the Lower Authorities including Maharashtra Revenue Tribunal.

3] By an Order dated 20th February 2009, the Tahasildar, Thane in Tenancy Application No.13 of 2003 under Section 70(b) of the Maharashtra Tenancy And Agricultural Lands Act, 1948 (for short "MTAL Act) has held that, the respondents are tenants of the petitioner pertaining to the suit

property since 1st April 1957. The Sub-Divisional Officer, Thane was pleased to dismiss the Tenancy Appeal No.23 of 2011 by its Order dated 21.10.2011. The Maharashtra Revenue Tribunal, Mumbai while rejecting a Revision Application No.453 of 2011 on 23.6.2016 confirmed the Orders passed by the said two Authorities.

4] The law relating to the scope of Section 76 of the MTAL Act and the scope of jurisdiction of High Court under Article 227 of Constitution of India is by now well-settled. A safe reliance can be placed on decision of the Apex Court in the case of Maruti Bala Raut Vs. Dasharath Babu Wathare & Ors., reported in AIR 1974 SC 2051.

5] It is the contention of the learned counsel for the petitioner that, the Tahasildar, Thane and the Sub-Divisional Officer, Thane have committed error in appreciating the facts on record and therefore the matter may be remanded back to the concerned Authorities for hearing afresh.

Assuming for the sake of argument that, the Authorities below committed an error while appreciating the facts on record, the same cannot be a ground for interfering with the findings recorded by both the said Authorities.

The Constitution Bench of the Supreme Court in the case of Syed Yakoob Vs. K.S. Radhakrishnan & Others, reported in AIR 1964 SC 477 while dealing with the scope of jurisdiction of the High Court, in issuing writ of certiorari has held that, it is a supervisory jurisdiction and the Court exercising it is not entitled to act as an appellate Court. This limitation necessarily means that findings of fact reached by the inferior Court or Tribunal as a result of the appreciation of evidence cannot be reopened or questioned in writ proceedings. An error of law which is apparent on the face of record can be corrected by a writ, but not an error of fact, however, grave it may appear to be. It is further held that, a finding of fact recorded by the Tribunal cannot, however, be challenged in proceedings for a writ of certiorari on the ground that the relevant and material evidence adduced before the Tribunal was insufficient or inadequate to sustain the impugned finding. The adequacy or sufficiency of evidence led on a point and the inference of fact to be drawn from the said finding being within the exclusive jurisdiction of the Tribunal, the points cannot be agitated before a writ Court.

6] After applying the ratio laid down by the Constitution Bench of the Apex Court in the aforestated decision and perusing the entire record, this Court is of the view that, the authorities below have not committed any error in law or on facts and therefore the present petition is devoid of merits and is accordingly rejected.

(A.S.GADKARI, J.)