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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION No. 12180 OF 2015

Kisan Ananda @ Anant Parit / Chinchane
(since deceased through LR) & Ors. ... Petitioners
Vs.
Vithoba Rama Gore (since deceased through LR) ... Respondent

Mr. C. G. Gavnekar a/w Rakesh Bhatkar, for the Petitioners.
Mr. Vijay D. Patil a/w Siddharth R. Karpe, for Respondent No. 1.

CORAM : C. V. BHADANG, J.

DATE : FEBRUARY 25, 2020

PC :

1. The challenge in this petition is to the judgment and order dated 11th October, 2015 passed by the Maharashtra Revenue Tribunal, Pune (for short “MRT”), thereby dismissing the revision application No. TNC/Rev/NS/IV/2/2014. That revision application was filed by the Petitioners against the judgment and order dated 30th April, 2012 passed by the Sub-Divisional Officer, Satara (for short “SDO”) in Tenancy Appeal No. 11 of 2011. The learned SDO by the said judgment and order confirmed the order passed by the Agricultural Lands Tribunal, Satara (for short “ALT”) passed on 30th November, 1991 thereby allowing an application filed under S. 32G of the Bombay Tenancy and Agricultural Lands Act, 1948 (for short the “Act”), filed by the respondents. The net result is that the order

granting declaration under S. 32G of the said Act in favour of the respondents has been confirmed.

2. The record discloses that the order passed by the ALT on 30th November, 1991 was challenged before the SDO in the year 2011. A perusal of the order passed by the SDO shows that the delay was condoned. However, the appeal was dismissed on merits.

3. Be that as it may, the only contention raised on behalf of the Petitioners is that the impugned order passed by the MRT is unreasoned. It is submitted that the judicial or quasi judicial authority is expected to give some reasons while coming to a particular conclusion. It is submitted that the MRT was not justified in observing that there were no grounds raised insofar as challenge to the order passed by the SDO is concerned.

4. The learned counsel for Respondent No. 1 points out that the regulations governing the procedure to be followed by the MRT authorises the MRT to hear the appeal / revision application for admission and in a given case, the appeal and revision can be dismissed in *limine* without assigning any reasons. The learned counsel points out that the order passed by the ALT was challenged after more than a period of 21 years and in the meantime, the Tahsildar has issued a certificate under S. 32G of the said Act in favour of the

Respondents, and their names are also mutated in the records pertaining the subject property. He has also controverted the contention that the impugned order is unreasoned.

5. I have considered the rival circumstances and the submissions made. The net result of the order passed by the ALT is that the respondents have been declared to be tenants in respect of land admeasuring 27 Ares belonging to the Petitioners. It may not be necessary to go into the question of delay in challenging the order passed by the ALT, inasmuch as a perusal of the order passed by the SDO shows that the delay has been condoned. However, the SDO by did not find any merit in the appeal, and therefore, by a reasoned order the appeal was dismissed, which order was subject matter of challenge before the MRT.

6. It is true that a quasi judicial authority is expected to record some reasons, inasmuch as the orders passed by such quasi judicial authorities or the tribunals are subject matters of challenge before this Court. In the present case, particularly having regard to the fact that the SDO has given detailed reasons, therefore, the MRT did not feel it necessary to interfere with the said order. The impugned order also cannot be said to be unreasoned. Normally, this Court would not go into the question of examining the adequacy of the

reasons so articulated, unless and until there is a clear failure of justice by virtue of passing of said order. Considering the over all circumstances, I do not find that any case for interference is made out in exercise of the supervisory jurisdiction under Article 227 of the Constitution of India. In the result, the petition is dismissed, with no order as to costs.

Vinayak
P.
Halemath

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Sd/-
C. V. BHADANG, J.