

VAISHALI
ANIL
TIKAM

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

WRIT PETITION NO.6369 OF 2022

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Shridha Pandurang Vartak and Anr.Petitioners

V/s.

Subhadra Damodhar Mhatre and Ors.Respondents

Mr.B.G. Tangsali, Advocate for the Petitioners
Smt. M.S. Srivastava, AGP for State

CORAM : SANDEEP K. SHINDE, J.
DATED : 14TH OCTOBER, 2022.

P.C. :

1. Leave to implead, Tahasildar, Alibag, Dist. Raigad as party Respondent. Amendment to be carried out forthwith.
2. Tahasildar, Alibag, in exercise of powers under Section 70b of the Maharashtra Tenancy and Agricultural Lands Act, vide order dated 21st April, 2005, held that Petitioners were tenants in respect of Land Survey No. 379, Hissa No.1/1, equivalent to Gat No. 1514 situated at Village Chaul, Tal. Alibag, Dist. Raigad. Whereafter, ALT on 23rd December, 2016, decided the purchase price. These two orders, were challenged by the respondents in Tenancy Appeal No. 11/2017, before the SDO. The appeal was dismissed on 18th December, 2017. Feeling

aggrieved by the said order, Respondents filed revision before the Maharashtra Revenue Tribunal, Mumbai. MRT, set aside the order of the SDO dated 18th December, 2017 in Tenancy Appeal No. 11/2017 and relegated the parties to the Tahasildar, to decide Petitioners' tenancy afresh. Accordingly, the Petitioners have appeared before the Tahasildar; however, pending proceedings, before the Tahasildar, the Tahasildar vide communication dated 21st April, 2005 directed Talathi to change the Mutation Entry concerning land in question, in view of order passed by the Tribunal. Aggrieved by said directions, tenants have approached this Court.

3. Heard learned counsel for the Petitioners and learned AGP for the State.

4. In consideration and having regard to fact that two authorities have recorded the findings in favour of the Petitioners, whereby, decided tenancy claim in their favour, I deem it appropriate to direct the parties to maintain status quo, qua revenue record in respect of Land Survey No. 379, Hissa No. 1/1, Village Chaul, Tal. Alibag, Dist. Raigad, till the tenancy proceedings before Tahasildar are concluded.

5. The Petition is allowed and disposed of in the aforesaid terms.

(SANDEEP K. SHINDE, J.)