

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2404 OF 2022

Radhika Ramchandra ChuriPetitioner.

V/s.

Suresh Janardan PatilRespondent

Mr. Jayesh M. Joshi, Advocate for the Petitioner.

Ms Vrishali R. Raje, Advocate for the Respondent.

CORAM : SANDEEP K. SHINDE, J.

TUESDAY, 18TH OCTOBER, 2022.

P.C. :

1. This petition under Article 227 of the Constitution of India questions the legality of the Order dated 3.12.2019 in Revision No.356/2019 passed by the learned President, Maharashtra Revenue Tribunal, Mumbai, by which the Order dated 02.08.2018 passed by Tahsildar/A.L.T., Palghar and the Order dated 14.2.2019 passed by the Sub-Divisional Officer, Palghar in Tenancy Appeal No.12/2018 were quashed and set aside. It is apparent from the Order dated 2.8.2018 passed by the Tahsildar/A.L.T. and the Order passed by the Sub-Divisional Officer in Tenancy Appeal No.12/2018,

that the finding has not been recorded on issue, as to whether the original applicant Mrs.Radhika Ramchandra Churi was a tenant in the suit land, Gat no.140, old survey no.55/1, Taluka- Palghar. Thus, for want of finding on this core issue, the authorities could not have proceeded to decide the purchase price sought to be fixed by Mrs. Radhika Ramchandra Churi- the original applicant.

2. In consideration of facts above, learned Counsel for the parties would urge that the parties may be relegated to the Tahsildar/A.L.T. for decision in the Application No.Tenancy/32-G/S.R.-20/2014 afresh, in accordance with law.

3. In that view of the matter, the impugned the Order is set aside and parties to the petition are relegated to the Tahsildar/A.L.T., Palghar, for decision in the tenancy application afresh in accordance with law. Thus, following order is passed.

- a) The petition is allowed and disposed of.
- b) The parties shall appear before the Tahsildar/A.L.T. on 25.11.2022.

- c) It is clarified that both the parties are at liberty to adduce the evidence in support of their respective contentions.
 - d) The Tahasildar/A.L.T. Palghar shall decide Tenancy application expeditiously.
- 4.** Petition is disposed of in above terms.

(SANDEEP K. SHINDE, J.)