

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7772 OF 2014

Sheriff Kasam Khan

... Petitioner

Versus

Vishnu Babu Ghatye (Deceased)

By LRs Smt. Vimal Namdeo Sagvekar and Ors. ... Respondents

Mr. S.G. Karandikar, Advocate, for the Petitioner.

Ms. Urmila Pulekar, i/by Mr. Dushyant Pagare, Advocate for the Respondent.

CORAM : SHARMILA U. DESHMUKH, J.

DATE : 29th November, 2022

P.C. :

Heard learned counsel appearing for the parties.

2. The lands involved in the present writ petition are survey No.162/1 and 168/6 of village Girye, Taluka Devgad, District Sindhudurg. The Petitioner claims to be owner of the lands in dispute. In the year 1991, the Petitioner filed a suit bearing R.C.S. No.46 of 1991 for injunction before the learned Civil Judge, Junior Division, Devgad. In the said suit, the Respondent herein, took a plea of tenancy in the written statement, whereupon the learned

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Civil Judge referred the issue of tenancy to the Tahsildar, Devgad. The learned Tahsildar, by the order dated 21st June, 2007, held that the Respondent was tenant of the subject land. Against the said order of Tahsildar, the Petitioner preferred tenancy appeal bearing Tenancy Appeal No.20 of 07 before the Sub-Divisional Officer, Kankavali, which was also dismissed by order dated 16th April, 2010, and the findings of the Tahsildar, Devgad were confirmed. Against the said order of Sub-Divisional Officer, the Petitioner preferred revision under Section 76 of the Bombay Tenancy and Agricultural Lands Act 1948, before the Maharashtra Revenue Tribunal, Mumbai, bearing TNC.REV.181/B/2010. The Tribunal dismissed the Revision Application filed by the Petitioner by order dated 25th March, 2013, which is impugned in the present petition.

3. By concurrent findings of facts of three authorities it has been held that the Respondent was the tenant on tillers' date i.e. on 1st April, 1957. The Petitioner has not been able to demonstrate that there was surrender of tenancy or termination of tenancy. In view of the concurrent findings of fact, I do not find any need to interfere in the said order. The Writ Petition is accordingly dismissed.

(SHARMILA U. DESHMUKH, J.)