



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10487 OF 2019

Kasim Sileman Kalavant.

...Petitioner.

Versus

Ms. Zubeda Dadu Nadaf

Since deceased Thr. LRs.

...Respondents.

Mr. Nitin P. Deshpande for the Petitioner.

Mr. P. D. Dalvi for the Respondent.

Coram : Sharmila U. Deshmukh, J.

Date : July 3, 2024.

P. C. :

1. Heard.
2. By this petition filed under Article 227 of the Constitution of India, the challenge is to the order dated 26th October 2018 passed by the MRT rejecting the revision application filed by the Petitioner against the order of Tahsildar dated 7th January 2006 and the SDO dated 20th April 2006 determining the tenancy rights of Respondent-tenant and fixing the purchase price in respect of land bearing Survey No. 95/2 admeasuring 93-Are.
3. Learned counsel appearing for the Petitioner has taken this Court through various orders and submits that as far as the present Petitioner is concerned, he is the grand-son of original landlord and

has right in the balance area of Survey No.95/2 and no tenancy rights can be claimed by the Respondent-tenant in respect of the suit land. He submits that by the impugned orders, Respondent has been declared as tenant only in respect of the land admeasuring 93-Are out of Survey No. 95/2. Learned counsel appearing for the Petitioner would further submit that the Respondent cannot be declared as tenant also in respect of 93-Are land.

4. Learned counsel appearing for the Respondent points page No. 26 of the petition, which is order of ALT in respect of land bearing Survey No.95/2 admeasuring 93-Are and submits that the purchase price has been fixed in respect of the said land.

5. The Respondent had been declared as tenant in respect of land bearing Survey No.95/2 admeasuring 93-Are, which finding was confirmed upto this Court in Writ Petition No.6363 of 1987. Subsequently, the proceedings for fixing of purchase price was initiated in respect of the suit land which came to be challenged by the Petitioner under a mistaken belief that the tenancy is claimed in respect of the balance portion of Survey No. 95/2. It is clear from page 26 of petition that the suit land is described by the Respondent as Survey No. 95/2 admeasuring 93-Are. As far as the submission of learned counsel for the Petitioner that the Respondents are not having tenancy rights even in respect of 93-Are land is concerned, the

said submission is without merits as the order has been confirmed right upto this Court.

6. The petition is therefore totally misconceived and stands dismissed.

[Sharmila U. Deshmukh, J.]