

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

**VASANT
ANANDRAO
IDHOL**

WRIT PETITION NO. 3259 OF 2024

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Chanbasappa Basavrajendra Modi, Since Decd. Thr L.Rs. And Ors.	...Petitioners
Versus	
Shamrao Bali Patil & Ors.	...Respondents

Mr.RupeshK.Bodade for the Petitioners.

CORAM	:	AVINASH G. GHAROTE, J.
DATE	:	4th JULY 2024

P.C.:

1. There is no dispute that the order of Agriculture Land Tribunal (ALT) dated 30.6.2018 (page 188) records that the respondents were in cultivating possession of the land in question on the tillers day. This impugned order has been upset by the Sub-Divisional Officer (SDO) only on the ground that the record indicates that the original landlord had granted tenancy in favour of two persons. This would in fact substantiate the plea that on the tillers day, the landlord was not in occupation of the land in question, rather it was the tenants who were in possession.

2. The learned Maharashtra Revenue Tribunal (MRT) by the

order dated 9.6.2022, has rightly appreciated the position and has set aside the order of SDO restoring that of the Tahsildar, by relying upon the findings on the Tenancy Case No. ALT- 32-F dated 24.6.1983, which holds that the relationship between the landlord and the tenants is in existence as on the tillers day, considering that I am not inclined to interfere with the findings. The petition is dismissed. No costs.

(AVINASH G. GHAROTE, J.)