

SA Pathan

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

WRIT PETITION NO.170 OF 2020

**WITH
WRIT PETITION NO.171 OF 2020**

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Anand Chander Patil ... Petitioner
V/s.
Ratanshi Premji Charitable Trust
Through Trustees ... Respondent

Mr. Shrishailya Sadashiv Deshmukh, for Petitioner.

Mr. S. G. Karandikar a/w Mr. Abhijit B. Kadam i/by Ms.
Sonali Ganesh Sase, for Respondent No.1.

CORAM : AMIT BORKAR, J.

DATED : JANUARY 9, 2024

P.C.:

1. The writ petitions arises out of proceedings under Section 70B of the Bombay Tenancy and Agricultural Lands Act, 1948. The ALT and Appellate Authority declared the petitioner to be tenant in the property in dispute. However, the Maharashtra Revenue Tribunal (for short 'MRT') by the impugned order allowed the revision and set aside the orders passed by the ALT and Appellate Authority.

2. On perusal of paragraph 5 of the judgment passed by the Revisional Authority, it appears that both the parties requested for

remanding the proceedings back to the ALT/Tahasildar.

3. On perusal of the impugned judgment, it appears that reason for setting aside the order appears to be non-application of mind on the part of authorities below, if that be so the proper course for Revisional Authority was to remand the proceedings back to ALT/Tahasildar for decision afresh.

4. On perusal of the impugned judgment, it appears that the Tribunal has not considered merits of the matter in its proper perspective. Therefore, it would be in the interest of justice that the order of MRT is set aside not parties are reverted back to the Tahasildar for decision afresh on the issue of proceedings under Section 70B of the Bombay Tenancy and Agricultural Lands Act, 1948 in accordance with law. Hence, following order:

i) The impugned order passed by MRT in Revision Application No.225 of 2019 and 226 of 2019 are quashed and set aside.

ii) Both the proceedings be remanded back to Tahasildar, Thane for decision afresh.

iii) The Tahasildar, Thane shall decide the proceedings uninfluenced by orders passed by the authorities below, MRT or present order.

5. Both the writ petitions stand disposed of in above terms. No costs.

(AMIT BORKAR, J.)