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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 1160 OF 2013**

Smt. Ramibai Pandurang Patil ... Petitioner
vs.
Shri. Narayan Parshuram Mhatre and Ors ... Respondents

Mr. S.G. Karandikar, for Petitioner.

Mr. Kailas Dewal i/b. Mr. Jayesh Joshi for Respondents.

CORAM : GAURI GODSE, J.

DATED : 14th FEBRUARY, 2024

P.C. :-

1. This petition takes an exception to the order passed by the Maharashtra Revenue Tribunal ('MRT') setting aside the order passed by the Sub Divisional Officer and confirming the order of the Agricultural Lands Tribunal ('ALT'). The petitioner's application under section 70(b) of the Maharashtra Tenancy and Agricultural Lands Act, 1948 ("Tenancy Act") was dismissed by ALT, however, the appeal filed by the petitioner was allowed by the Sub Divisional Officer, remanding the matter back to the ALT for a fresh hearing. The said order of remand was challenged by respondents by filing a revision application before the MRT. By impugned order, the said

revision application is allowed and the order of the Sub Divisional Officer remanding the matter back to ALT is set aside.

2. Learned counsel for the petitioner submitted that the predecessor in title of the petitioner was a tenant since the year 1930-31, as the grand-father of the petitioner was cultivating the land. He submits that inspite of the petitioner's predecessor in title being tenant of the property, 32G proceedings were decided in favour of the respondents. He submits that the challenge to the order under section 32G passed in favour of the respondents failed as there was no declaration of tenancy in favour of the petitioner. Hence, the petitioner had filed an application under section 70(b) for a declaration of tenancy rights. He thus, submitted that since the petitioner's predecessor in title was a tenant of the property prior to the claim made by respondents, the order of remand passed by the Sub Divisional Officer was correctly passed for fresh hearing.

3. Learned counsel for the respondents supports the impugned order on the ground that the petitioner has not produced any document in support of their claim. He therefore submits that by the impugned order, the remand order is rightly set aside as no purpose would be served after remand.

4. Perused the papers. Though the petitioner has been claiming

tenancy rights since the year 1930-31, there are no documents produced in support of their submissions. It is not disputed that based on the documents in support of the respondents' claim, order under section 32G is passed in favour of the respondents, which has attained finality, and the certificate under section **32M** is already issued in favour of the respondent. Thus, no fault can be found in the reasons recorded by MRT.

5. I do not find any error or illegality in the impugned order. The petition is devoid of merits. Hence, the petition is dismissed.

(GAURI GODSE, J.)

This order is corrected/modified as per speaking to minutes order dated 4th March 2024