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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 1627 OF 2021**

Bajirao Dashrath Satav ... Petitioner
Vs.
Pravin Jugmindar Agarwal and Others ... Respondents

**WITH
INTERIM APPLICATION NO.917 OF 2021
IN
WRIT PETITION NO. 1627 OF 2021**

Babytai Bajirao Satav ... Petitioner
Vs.
Pravin Jugmindar Agarwal and Others ... Respondents

Mr. Amol B. Jagtap (through VC) for the Petitioner.
Mr. Sudhir Vinayak Sadavarte for the Respondent No.1.
Mr. B. B. Dahiphale, AGP for the State – Respondent No. 8.

CORAM : GAURI GODSE, J.

DATE : 14th FEBRUARY 2024

P.C.

1. Heard. This petition challenges an order passed by the Maharashtra Revenue Tribunal, Pune (“MRT”) confirming the order passed by the Sub-Divisional Officer, Haveli, Pune (“SDO”) on 28th April 2017.

2. By the said order of the SDO, the order passed by the Tahsildar, Haveli, Pune on 2nd August 2016 in respect of Gat No. 1130 is quashed and set aside. By order dated 2nd August 2016 the Tahsildar decided the issue referred to the tenancy court regarding the claim of defendant no. 1 in the suit, to be a farmer. The learned Tahsildar rejected the reference by holding that there was no documentary proof produced that defendant no. 1 was a farmer. The said order of Tahsildar has been set aside by the SDO in appeal.

3. Learned SDO has referred to the mutation entries and 7/12 extract in favour of the defendant no.1 to come to the conclusion that defendant no. 1 is a farmer.

4. Learned SDO in paragraphs 1 to 4 has in detail discussed the documents relied upon by defendant no.1. There is a specific finding recorded that the mutation entry no. 1662 indicates that the same is recorded in the name of the father of defendant no. 1 regarding purchase of an agricultural land. The mutation entry is also thus, relied upon to hold that the defendant no. 1 is a farmer. The said order is confirmed by the MRT, again after examining all the documents on record.

5. Learned counsel appearing for defendant no.1 who is respondent no. 1 in the petition supports the impugned order. He submitted that the sale deed in favour of respondent no. 1 was executed by defendant nos. 2 to 8. He further submitted that after the SDO's order was passed on 28th April 2017 the suit in which reference was made was compromised and the suit is disposed of in terms of compromise on 5th July 2018.

6. He further submits that documents produced by respondent no. 1 clearly indicates that respondent no.1's father had also purchased an agricultural land pursuant to which entries were made in the revenue records. He therefore submits that there is no substance in the argument made on behalf of the petitioner.

7. I have considered the submissions. Perused the record. Reliance placed by the learned Advocate for the petitioner on the order of the Tahsildar and in particular paragraph 11 of the order is completely misconceived. He submitted that though mutation entry was produced on record, Tahsildar had correctly recorded that the said mutation entry did not make any reference that defendant no. 1 was a farmer.

8. I do not find any merit in the said submission. It is not in dispute that father of respondent no. 1 had purchased an agricultural land pursuant to which mutation entry no. 1662 was effected. There is no challenge to the mutation entry no. 1662. Once the father of respondent no. 1 had already purchased an agricultural land on the basis of being farmer and revenue entries are effected recording the said transaction, there is no reason to disbelieve the mutation entries and revenue records in favour of father of respondent no.1 on the ground that there is no reference in the mutation entry that respondent no. 1's father was a tenant.

9. Once the document on record shows that respondent no. 1's father had purchased agricultural land on the basis that he is farmer and when the transactions and the revenue entries are not challenged, I do not see any substance in the argument raised on behalf of the petitioner.

10. It is not in dispute that petitioners are claiming through the original defendant no. 5 who had also signed the sale deed in favour of defendant no. 1. It is also contended by the learned Advocate for respondent no. 1 that the original defendant no. 5 and defendant nos.

2 to 9 had in fact filed a written statement in the suit supporting the sale deed in favour of defendant no. 1.

11. Thus, I do not find any merit in the petition. No case is made out to invoke the powers under Article 227 of the Constitution of India. There is no error or illegality in the reasons recorded in the impugned order.

12. For the reasons stated above, Writ Petition is dismissed.

13. In view of the disposal of the Writ Petition, Interim Application stands disposed of as infructuous.

[GAURI GODSE, J.]