

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

WRIT PETITION NO. 9197 OF 2024

Bilkish Khatun Alam Shaikh And Ors. ...Petitioners
Versus
The State of Maharashtra
Through. Office of the Govt Pleader And Ors. ...Respondents

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Mr. Akshay Pawar for the Petitioners.

Smt. A. A. Nadkarni, A.G.P for the Respondent – State.

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CORAM : AVINASH G. GHAROTE, J.
DATE : 2nd JULY 2024

P.C.:

1. Heard Mr. Akshay Pawar, learned counsel for the petitioner.

2. The petition questions the order dated 30.04.2024 passed by the learned M.R.T. by which the revision has been allowed and the order dated 20.07.2022 by the learned SDO in Tenancy Appeal No.1/2022 as well as the order of the ALT dated 19.03.2021 has been set aside. This is on the ground that the petitioners were not in cultivating possession of the land in question. The learned counsel for the petitioners invites my

attention to the Panchanama dated 20.11.2020 which indicates the cultivating possession of the petitioners and the predecessor. He also invites my attention to the findings by the learned SDO in his order dated 20.07.2022 (Page-223), which holds that the predecessor of the petitioners were in cultivating possession, in view of the entries in the old 7/12 extracts which records, their names as tenants and so also the findings by the learned ALT in his order dated 19.03.2021 holding the possession of the petitioners.

3. Issue notice for final disposal, returnable on 29th July, 2024.
4. Till returnable date, the effect and operation of the order dated 30.04.2024 passed by the learned M.R.T. shall stand stayed.

(AVINASH G. GHAROTE, J.)