



2168-2024

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CIVIL APPLICATION NO. 2168 OF 2024
IN WRIT PETITION NO. 2337 OF 2013

(Yadav s/o Yashwanta Gadekar & Ors. Vs. Shri Badrinath Kedarnath Samiti, through its
Power of Attorney Dr. Datta s/o Ganpat Bharad)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Ms Shrushti Shahkar h/f Shri Ritesh Badhe, Counsel
for the petitioners.

Shri M.P. Kariya, Counsel for the applicant/
respondent.

CORAM : ANIL L. PANSARE, J.
AUGUST 27, 2024

The respondent has sought early
hearing. As such, there are standing instructions to
get the matters circulated, in case of urgency. In that
sense, there was no need to file application.

2] The application is accordingly allowed.

WRIT PETITION NO. 2337/2013

3] Heard for some time.

4] The challenge is to order dated
30/1/2023 passed by the Member, Maharashtra
Revenue Tribunal, Nagpur, in Tenancy Revision No.
TEN/B/100/2011.

5] It appears that the Sub-Divisional Officer,
Buldhana, in tenancy proceedings of the year 2011,

vide order dated 30/7/2011, directed summary eviction of the petitioners under Section 120(c) of the Bombay Tenancy and Agricultural Lands (Vidarbha Region and Kutch Area) Act, 1958 (for short “the said Act”).

6] It further appears that the suit land belongs to the respondent – Trust. The Court below noted that the possession of the suit land was handed over to the respondent – Trust on 4/4/2005. The petitioners have filed application for declaring them deemed tenant under Section 6(1) of the said Act thereafter. The Revisional Court noted that the surrender deed/supratnama, which has been disputed by the petitioners, was executed before the appropriate authority of the respondent – Trust, that too, in presence of the witnesses, where petitioner no.1 admitted that the petitioners were the caretakers of the disputed property. The Revisional Court also noted that the petitioners failed to show any right to remain on the disputed land, as they failed to produce any evidence to show that they have become the statutory owners of the land belonging to the respondent – Trust. The Revisional Court further noted that the petitioners failed to prove their ownership or for that matter even tenancy rights and as such, they have already delivered back the possession of the disputed

property to the respondent – Trust and accordingly dismissed the revision.

7] Thus, it appears that the petitioners are agitating their claim of tenancy without there being any evidence in support.

8] The learned Counsel for the petitioners seeks time to make submissions on this point.

9] Stand over to 5/9/2024 with clear understanding that no further adjournment will be granted.

JUDGE

Sumit