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

WRIT PETITION NO.9336 OF 2023

Shantaram Anantrao Sahastrabuddhe
& Anr. ... Petitioners

V/s.

The State of Maharashtra & Ors. ... Respondents

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Mr. Abhijit Kulkarni with Mr. Chinmay Patil and Mr.
Prasad Bade for the petitioners.

Ms. Priyanka Chavan, AGP for respondent No.1-State.

Mr. Sujeet Bugade for respondent Nos.2 to 6.

CORAM : AMIT BORKAR, J.

DATED : MARCH 27, 2025

P.C.:

1. The present writ petition is instituted by the petitioner, who claims to be the landlord in respect of the subject agricultural land, invoking the jurisdiction of this Court under Article 227 of the Constitution of India. The challenge is directed against the order dated 17th July 2019 passed by the Maharashtra Revenue Tribunal ("MRT" for short), whereby, in purported exercise of review jurisdiction, the MRT has set aside the concurrent findings of the Authorities below, rendered under the provisions of the Bombay Tenancy and Agricultural Lands Act, 1948 (for short, "the BTAL Act").

2. The genesis of the proceedings lies in an application instituted by the petitioner-landlord on 9th September 2009 under Section 70(1)(b) of the BTAL Act, whereby the petitioner disputed the tenancy status of respondent Nos.2 to 6 in respect of the subject property. The Agricultural Lands Tribunal, upon consideration of the material on record and after affording due opportunity of hearing to the parties, by its order dated 24th September 2010, held that respondent Nos.2 to 6 were not tenants within the meaning of the BTAL Act. Being aggrieved thereby, respondent Nos.2 to 6 preferred an appeal before the Sub-Divisional Officer, who, by a reasoned order dated 8th April 2018, was pleased to affirm the findings of the Agricultural Lands Tribunal and dismissed the appeal. A revision application came to be filed by the said respondents before the MRT, which also met with the same fate and was rejected. However, thereafter, the said respondents preferred a review application before the MRT, seeking review of its earlier order. The MRT, by the impugned order dated 17th July 2019, purportedly in exercise of its powers of review, recalled its earlier decision and allowed the revision application, thereby upsetting the concurrent findings rendered by the Authorities under the Act. It is this order of the MRT which is the subject matter of challenge in the present proceedings.

3. Learned Advocate appearing for the petitioner would submit that the MRT has acted without jurisdiction in entertaining and allowing the review application. It is submitted that the MRT, not being vested with any specific power of review under the provisions of the BTAL Act or under any other enabling provision,

could not have undertaken a substantive reconsideration of its earlier decision. It is urged that the MRT has exceeded its jurisdiction by reassessing the matter on merits, which is impermissible in the limited scope of review, which is confined only to rectifying an error apparent on the face of record. Learned counsel would further submit that the MRT has virtually sat in appeal over its own decision, which amounts to an abuse of the process of law. It is also the contention of the petitioner that the subject land is situated within the municipal limits and, as such, by virtue of the provisions of Section 88(1)(b) read with Section 2(8) of the BTAL Act, the said land is excluded from the applicability of the Act. Therefore, it is urged that the entire proceedings under the BTAL Act were without jurisdiction.

4. In so far as the contention relating to the power of review is concerned, it is a settled position in law that the Maharashtra Revenue Tribunal (MRT), though a creature of statute, is not denuded of its power to review its own orders in appropriate cases, even when such proceedings arise under the provisions of the the BTAL Act. In the present case, the MRT, while exercising jurisdiction under the BTAL Act, has invoked its power of review not to re-appreciate the entire evidence afresh, but to correct an apparent error in the earlier adjudication in light of material admissions available on record. Therefore, the exercise of such power, being consistent with the scope of review and rooted in judicial conscience, cannot be faulted with.

5. As regards the submission that the MRT has exceeded its jurisdiction by assuming the role of an appellate authority, a

perusal of the impugned order, particularly paragraph 15, clearly reveals that the MRT has based its findings on a categorical admission made by the predecessor-in-title of the petitioner in Special Civil Suit No.10 of 1992. In the said suit, it is unequivocally recorded that the predecessor of respondent No.2 was in possession of the suit property as a tenant. It is trite law that admissions, especially those made in judicial proceedings, are substantive evidence and bind the party making such admissions. Admissions made in previous proceedings can be relied upon as a relevant and material piece of evidence. A party is bound by the admissions made by it and cannot resile from the same unless shown to be erroneous or made under mistaken belief.

6. In the backdrop of such unambiguous admission, the MRT, in its review jurisdiction, has merely given effect to the legal consequences arising therefrom. The determination that respondents No.2 to 6 were tenants under the provisions of the BTAL Act is thus not an act of re-appreciation of facts, but a consequence flowing directly from the admission on record. The MRT has not transgressed the limits of its review jurisdiction, but has exercised it in accordance with law and settled judicial parameters.

7. In view of the foregoing discussion, this Court finds no infirmity or perversity in the impugned order passed by the MRT warranting interference in exercise of supervisory jurisdiction under Article 227 of the Constitution of India. The scope of interference under Article 227 is narrow and supervisory in nature. Unless the order impugned suffers from gross perversity or results

in manifest injustice, the High Court ought not to substitute its own views in place of those taken by a tribunal competent to adjudicate the dispute.

8. Therefore, finding no patent error or jurisdictional infirmity in the impugned order, the writ petition fails and is accordingly dismissed. No order as to costs.

(AMIT BORKAR, J.)