

VRJ

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

WRIT PETITION NO.5462 OF 2021

VAIBHAV
RAMESH
JADHAV

Digitally signed by
VAIBHAV RAMESH
JADHAV
Date: 2025.02.04
10:28:43 +0530

Bhanudas Mahadeo Mane
Since Deceased Through His
Legal Heirs & Ors.

... Petitioners

V/s.

Deoba Shivram Mane
Since Deceased Through His Legal
Heirs & Ors.

... Respondents

Mr. Pramod G. Kathane for the petitioners.

Mr. Umesh R. Mankapure for respondent No.1A.

Ms. V. S. Nimbalkar, AGP for the State-respondent
No.3.

CORAM : AMIT BORKAR, J.

DATED : FEBRUARY 3, 2025

PC.:

1. The petitioners, asserting tenancy rights under the Bombay Tenancy and Agricultural Lands Act, 1948 ("BTAL Act"), challenge the Maharashtra Revenue Tribunal's ("MRT") exercise of review jurisdiction under Section 76A of the BTAL Act. The MRT, vide its impugned order, overturned the Sub-Divisional Officer's decision and reinstated the Agricultural Lands Tribunal's ("ALT") declaration of Respondent No.1 as a deemed purchaser under Section 32G. It is well-settled that judicial review of such orders under Article 226 of the Constitution is confined to examining

jurisdictional errors, procedural irregularity, or perversity. The petitioners' challenge, therefore, must demonstrate a manifest contravention of statutory provisions or a patently irrational conclusion.

2. The petitioners assert tenancy over Gat Nos. 920, 1218A, and 1218B at village Chinchani (Wangi). Under Section 4 of the BTAL Act, the burden lies on the claimant to establish lawful tenancy through verifiable evidence, such as cultivation records, rent receipts, or entries in village forms (e.g., Form 7/12). The specificity of Gat numbers in revenue records, is critical to determining lawful possession and tenancy rights, rendering their accurate identification indispensable to adjudication.

3. The predecessor-in-title of the petitioners was declared a tenant post-1964-65 via an order dated 27 June 1971 under Section 70(b) of the BTAL Act. This provision empowers the Collector to resolve disputes regarding tenancy status, but such a declaration operates prospectively unless expressly backdated. Crucially, a post-1964 tenancy cannot retroactively negate rights crystallized under the "tiller's day" (1 April 1957) under Section 32G. Thus, the 1971 order inherently limits the petitioners' claims to post-1964 tenure.

4. Respondent No.1 initiated proceedings under Section 32G, invoking the statutory presumption of deemed purchase by tenants cultivating land on 1 April 1957. The ALT, relying on contemporaneous revenue records (e.g., Form 7/12 entries and rent receipts pre-1957), concluded that Respondent No.1's

predecessor fulfilled the criteria under Section 32G. This Court has emphasized that contemporaneous documentation is paramount in rebutting or affirming tenancy on tiller's day. The ALT's findings, grounded in such material, warrant deference absent demonstrable perversity.

5. The Appellate Authority, in overturning the ALT's order, erroneously disregarded the statutory presumption under Section 32G. While Section 74 permits reassessment of evidence, which mandates that subsequent tenancy declarations (post-1957) cannot invalidate rights vested on tiller's day unless fraud or collusion is proven. This omission constitutes a legal misstep, rendering the appellate decision unsustainable.

6. The MRT, in its revisional capacity under Section 76, initially dismissed Respondent No.1's challenge. However, upon review under Section 76A—invoked on grounds of an apparent error in overlooking Section 32G's statutory mandate—the MRT rightly rectified its earlier order. A review is permissible to correct errors manifest on the face of the record, particularly when statutory rights under the BTAL Act are misapplied. The MRT's impugned order thus aligns with the legislative intent of securing tenure for tillers under Section 32G.

7. The 1971 Section 70(b) declaration confines the petitioners' tenancy to post-1964, rendering them strangers to the 1957 tiller's day determination. Only parties asserting contemporaneous rights on 1 April 1957 may contest deemed purchase proceedings. The doctrine of res judicata further bars the petitioners, as the 1971

order conclusively settled their tenancy inception date, precluding collateral attacks on prior adjudications.

8. The petitioners, lacking locus standi to challenge the 1957 tenure determination, cannot assail the MRT's review order. The statutory framework of the BTAL Act, compels this Court to uphold the MRT's restoration of the ALT's order.

9. The writ petition, being devoid of merit, is accordingly dismissed. No order as to costs.

(AMIT BORKAR, J.)