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

WRIT PETITION NO.305 OF 2016

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Narayan Raoji Abdar
(Deceased) Legal Heirs, Baburao
Narayan Abdar (Deceased) & Ors. ... Petitioners
V/s.
Sharad Fattesingha Kadam ... Respondent

Mr. Kalpesh Patil i/by Vikas Kolekar for the petitioners.

Mr. Mahindra Deshmukh for the respondent.

CORAM : S. G. CHAPALGAONKAR, J.

DATED : SEPTEMBER 25, 2025

P.C.:

1. The present writ petition is filed impugning judgment and order dated 14th July 2015 passed by learned Member, Maharashtra Revenue Tribunal, Mumbai Bench at Pune in TNC/REV/SS/IX/1/2013, with a further prayer to issue direction to fix the price of land and issue purchase certificate in name of the petitioners under Section 32G of the Maharashtra Tenancy and Agricultural Lands Act, 1948, in relation to suit property.
2. The petitioners claims that land bearing Gat No.263 / Survey

No.62/3 was in possession of their grandfather, namely, Narayan Raoji Abdar, since 1948. His name was consistently shown in record of rights prior to 1953–1954 and, therefore, he was a protected tenant. According to petitioners, on Tillers' Day, i.e., 1st April 1957, their grandfather was in possession of land bearing Survey Nos.62/3 and 62/2. The land bearing Survey No.62/2 was purchased by petitioners' grandfather under Section 32G of Maharashtra Tenancy and Agricultural Lands Act, 1948. However, the land bearing Survey No.62/3 remained to be purchased. In this background, petitioners raised a claim for purchase of the said land under Section 32G of Maharashtra Tenancy and Agricultural Lands Act, 1948.

3. The Tahsildar rejected petitioners' claim, observing that land bearing Survey No.62/3 shows cultivation of landowner, therefore, solitary entry in name of Narayan Raoji Abdar in the "other rights" column as recorded on the basis of Mutation Entry No.1050, cannot be the basis for petitioners' claim as tenant. The order passed by Tahsildar has been confirmed by Sub-Divisional Officer in Tenancy Appeal No.2 of 2011. The Maharashtra Revenue Tribunal also concurred with the decisions of lower authorities in

revision.

4. Learned advocate appearing for petitioners, by inviting attention of this Court to the 7/12 extracts from the year 1953–1954 onwards and receipt dated 29th March 1954 issued in name of Narayan Raoji Abdar by Lalasaheb Bapurav Kadam, endeavoured to impress upon Court that there was sufficient material to show that the petitioners' grandfather was tenant of land bearing Survey No.62/3. He would further rely upon order dated 27th September 1985 passed by Tahsildar, Khanapur–Vita, whereby the names of legal heirs of Narayan Raoji Abdar have been mutated in record of rights. He would, therefore, contend that there was adequate material to accept case of the petitioners.

5. Per contra, learned advocate appearing for respondents would submit that petitioners' grandfather was a tenant of land bearing Survey No.62/2. However, taking disadvantage a mistake occurred in the mutation record, petitioners are trying to assert right over land bearing Survey No.62/3. He would, therefore, support the impugned order.

6. Having considered the submissions advanced and on perusal of record, it can be observed that thrust of petitioners' contention

regarding the claim of tenancy is based on mutation entries. It is true that in 7/12 extracts for year 1963–1964, name of Narayan Raoji Abdar is shown in the “other rights” column as tenant, but same is entered on the basis of Mutation Entry No.1050. Apparently, Mutation Entry No.1050 was sanctioned in respect of land bearing Survey No.62/2; however, based on said mutation entry, name of Narayan Raoji Abdar appears to have been recorded in the “other rights” column for land bearing Survey No.62/3. It can further be observed from the mutation record that land was consistently shown as being under self-cultivation of landlord. During implementation of the consolidation scheme, incorrect entry recorded in name of Narayan Raoji Abdar was carried forward. As such, his name was wrongly shown in the “other rights” column in respect of land bearing Survey No.62/3. The learned Tahsildar, Sub-Divisional Officer, as well as the Maharashtra Revenue Tribunal, have taken into consideration aforesaid material facts and declined to entertain petitioners’ claim of tenancy rights over land bearing Survey No.62/3.

7. Since there are concurrent findings of fact based on a correct appreciation of the material on record, no case is made out for

interference under Article 227 of the Constitution of India. As a result, writ petition stands rejected and disposed of.

8. Pending interlocutory application(s), if any, stand disposed of.

(S. G. CHAPALGAONKAR, J.)