

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 14334 OF 2024

Chandrakant Sitaram Marathe & Ors.

....*Petitioners*

: *Versus* :

Indira Sitaram Narvekar & Ors.

....*Respondents*

Mr. Saurabh Railkar, *for the Petitioners.*

Mr. S.G. Karandikar *i/by. Mr. Devesh Sawant, for the Respondents.*

CORAM : SANDEEP V. MARNE, J.

Dated : 12 March 2025.

P.C. :

1) The Petition challenges the order dated 17 February 2020 passed by the Maharashtra Revenue Tribunal, Mumbai (**MRT**) dismissing the Revision filed by the Petitioners and confirming the order passed by the Sub-Divisional Officer, Kudal (**SDO**) dated 16 August 2018 and order dated 6 July 2017 passed by the Additional Tehsildar and Agricultural Lands Tribunal, Kudal (**ALT**).

2) I have heard Mr. Railkar, the learned counsel appearing for the Petitioners and Mr. Karandikar, the learned counsel appearing for the Respondents.

3) I have gone through the findings recorded by the ALT, SDO and MRT. I have also gone through the records of the case placed alongwith the petition.

4) It must be noted at once that there are concurrent findings recorded by the three authorities, i.e. ALT, SDO and MRT disbelieving the tenancy claim of the Petitioners. There are multiple reasons why this Court is not inclined to interfere in the said concurrent findings. Some of these are as under :

(i) Petitioners did not produce a semblance of documents for inferring existence of landlord-tenant relationship. Rent note, Rent Agreement etc. were not produced.

(ii) Petitioners did not produce any revenue extracts showing cultivation of crops in the land in question as on the Tillers Day of 1 April 1957.

(iii) All the three Authorities have concurrently held that the Respondent-landlord purchased the land in question from Ramchandra Uma Marathe vide sale-deed dated 27 June 2019. All the three authorities have linked the Petitioners to Ramchandra Uma Marathe even though Petitioners are seeking to sever their ties with the said person. Be that as it may, Petitioners did not produce any documentary evidence to show that Ramchandra Uma Marathe had absolutely no connection with the Petitioner. The case thus involves sale of land by Marathes in favour of Narvekars. Thus, Petitioners' forefather (*Marathes*) themselves were owners in respect of the land in question and sold the same in favour of Narvekars who then became the owners in respect of the land. It is therefore inconceivable that a person who earlier was an owner and

who had sold the land, can ever claim status as tenant of the purchaser.

(iv) In Regular Civil Suit No.44/2019 lodged by the Petitioner against the contesting Respondents, findings are recorded to the effect that Petitioners were not in possession of the suit properties.

5) There are thus multiple reasons why the tenancy claim of the Petitioners has rightly not been accepted by the ALT, SDO and MRT. No interference is warranted in the said concurrent findings. The petition is accordingly **rejected**.

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[SANDEEP V. MARNE, J.]