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

WRIT PETITION NO. 1337 OF 2022

Kishorkumar Shirdhar Dikshit

.. Petitioner

Versus

Ramdas Yashwant Randive and Ors.

.. Respondents

**WITH
INTERIM APPLICATION NO. 11020 OF 2024
IN
WRIT PETITION NO. 1337 OF 2022**

Ramdas Yashwant Randive and Ors.

Applicants /
Respondent Nos.1 to 3 in
.. Writ Petition

Versus

Kishorkumar Shridhar Dikshit and Ors.

Respondents /
.. Petitioner in WP

**WITH
WRIT PETITION NO. 1366 OF 2022**

Kishorkumar Shirdhar Dikshit

.. Petitioner

Versus

Ramdas Yashwant Randive and Ors.

.. Respondents

**WITH
INTERIM APPLICATION NO. 11019 OF 2024
IN
WRIT PETITION NO. 1366 OF 2022**

Ramdas Yashwant Randive and Ors.

Applicants /
Respondent Nos.1 to 3 in
.. Writ Petition

Versus

Kishorkumar Shridhar Dikshit and Ors.

Respondents /
.. Petitioner in WP

-
- Mr. Kishor Patil, Advocate for Petitioner.
 - Mr. Girish Agrawal a/w. Mr. Shubham Jangam, Advocates for Respondents and Applicant in Interim Application.
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CORAM : MILIND N. JADHAV, J.

DATE : DECEMBER 08, 2025.

P.C.:

1. Heard Mr. Patil, learned Advocate for Petitioner and Mr. Jangam learned Advocate for Respondent No.1 to 3 and Applicants in Interim Application.

2. In Writ Petition No.1366 of 2022, Petitioner is Kishorekumar Shridhar Dikshit and there are 27 respondents. Respondent Nos. 1,2 and 3 namely Ramdas Yashwant Randive, Lata Randive and Pramod Randive are the original Applicants before the Agricultural Land Tribunal claiming to be legal heir of Original Tenant Laxman Yadav Randive. They approached the Agricultural Land Tribunal in 2016 in Tenancy Case No. 2 of 2016 under Section 32G of the said Act seeking entitlement to 00H.33.5R on the Northern side of suit property bearing Gat No.352 situated at Village - Khedgaon, Taluka - Dindori, District - Nasik.

3. In Writ Petition No. 1337 of 2022, Petitioner is Kishorekumar Shridhar Dikshit and there are 9 Respondents. Respondent Nos. 1,2 and 3 are Ramdas Randive, Lata Randive and Pramod Randive who approached the ALT by filing Tenancy Case No. 2 of 2016 for setting aside registered Sale Deed dated 09.03.2016 by virtue of which Respondent Nos. 7 to 9 purchase the same suit property from Respondent Nos. 4 to 6 thus subject matter of both

Tenancy Cases and present Writ Petitions is same land admeasuring 00H.33.5R between the parties. Facts are absolutely identical rather both cases emanate from the same set of facts hence both Writ Petitions are disposed of by this common order. For sake of convenience, facts in Writ Petition No. 1366 of 2022 are considered for determination of the present Writ Petitions.

4. The present Petitions impugn the order dated 27.08.2021 passed by the learned Member, Maharashtra Revenue Tribunal, Mumbai in TNC/REV/NSK/410/18, whereby Revision has been allowed and the concurrent findings of fact recorded by the S.D.O., Dindori and the A.L.T., Nashik holding that Respondents No. 1 to 3 failed to establish tenancy over the Suit Property have been set aside.

4.1. Briefly stated, present dispute pertains to land bearing Gat No. 352 (Old Survey No. 92) admeasuring 3H 82R plus Pot Kharaba OH 03R situated at Village Khedgaon, Taluka – Dindori, District – Nashik. Out of the said land, a distinct portion on the Nothern side 00.52, and further a part admeasuring 00H 67R(hereinafter referred to as the Suit Property) forms the subject matter of these proceedings.

4.2. It is the Petitioner's case that Respondent No. 1 to 3 claimed tenancy rights over the Suit Property, alleging that on Tiller's Day, their predecessor, Laxman Yadav Randive was cultivating the Suit Property as a tenant of Respondent Nos. 4 to 7. On this basis, they filed

Tenancy Case No. 06 of 2016 before the A.L.T. Dindori under Section 64(8) of the Maharashtra Tenancy and Agricultural Lands Act, 1948 (for short '**MTAL Act**') seeking relief that the said Sale Deed be declared invalid.

4.3. It is further Petitioner's case that during pendency of Tenancy Appeal No.2 of 2016, Respondent No. 7 to 9 purchased the Suit Property from Respondent No. 4 to 6 by a registered Sale Deed dated 09.03.2016 and thereafter sold part thereof to the present Petitioner. The Petitioner purchased 00H 21R by a registered Sale Deed dated 29.05.2018, and 00H 12R by another registered Sale Deed dated 25.06.2018, totally aggregating to 00H 33R from Respondent No. 7 to 9.

4.4. The Agricultural Land Tribunal, Nashik, after considering the evidence, rejected the claim of Respondent No. 1 to 3 by order dated 29.01.2018 in Tenancy Case No. 06 of 2016, holding that they failed to establish tenancy right over the Suit Property.

4.5. Respondent No. 1 to 3 challenged the said decision in Tenancy Appeal No. 14 of 2018 before the Sub-Divisional Officer, Nashik which was dismissed by order dated 10.12.2018.

4.6. Thereafter, Respondent No. 1 to 3 filed Tenancy Revision Application No. 410 of 2018 before the Maharashtra Revenue Tribunal (MRT), Mumbai. The Petitioner appeared and opposed the Revision,

filing written arguments along with Respondent No. 7 to 9.

4.7. By the impugned order dated 27.08.2021, learned Member of Maharashtra Revenue Tribunal allowed the Revision, set aside the concurrent factual findings of the Agricultural Land Tribunal and Sub-Divisional Officer and held that Respondent No. 1 to 3 had established tenancy over the Suit Property.

4.8. Being aggrieved by the impugned order dated 27.08.2021, Petitioner has approached this Hon'ble Court by way of the present Writ Petition under Article 227 of the Constitution of India.

5. Mr. Patil, the learned Advocate for Petitioner would submit that the learned MRT has exceeded the scope of Revision and has unjustifiably set aside concurrent findings of fact recorded by both Authorities, which had categorically held that Respondent No. 1 to 3 failed to prove their tenancy.

5.1. He would submit that proceedings for fixation of purchase price were dropped in 1963 and remained unchallenged for decades, and hence no fresh proceedings could legally be initiated for fixation of purchase price of the Suit property.

5.2. He would submit that several family members of Respondent No. 1 to 3 themselves purchased parts of Gat No. 352 through registered Sale Deeds in 2004 and Mutation Entry Nos. 2995 and 3042

were duly recorded, clearly showing acceptance that they were never tenants of the Suit property.

5.3. He would submit that by Mutation Entry No. 1525 names of alleged tenants were deleted since the Suit property was Inam Class 6-B and on Tiller's Day admittedly no names of tenants were reflected in the Revenue record.

5.4. He would submit that both Authorities below recorded that while re-entering names of the alleged tenants, Talathi failed to mention any order on the basis of which such names were entered into the revenue record by Mutation Entry No. 2051.

5.5. He would submit that learned MRT misinterpreted provisions of Section 32 G (6) of the Tenancy Act and Section 6 of the Maharashtra Pargana Kulkarni Watans (Abolition) Act, 1960 while deciding the Revision Proceeding.

5.6. He would submit that learned MRT exceeded the scope of revisional jurisdiction by interfering with concurrent findings of fact without giving any cogent reasons and justification for setting aside the findings.

5.7. He would submit that, on the basis of the impugned order dated 27.08.2021 Respondent No. 1 to 3 are now attempting to hurriedly execute and implement the same, despite Petitioner having

invested substantial amounts and having purchased the Suit property through registered Sale deeds.

5.8. He would submit that the impugned judgment and order is otherwise illegal, unjustified and wholly unsustainable in law, and therefore liable to be quashed and set aside.

6. The present Writ Petition assails order dated 27.08.2021 passed by the Maharashtra Revenue Tribunal at Mumbai (MRT) allowing revision proceedings and resultantly setting aside two concurrent orders dated 29.01.2018 and 10.12.2018 passed by the Tahsildar / ALT and SDO in proceedings under Section 32G of the MTAL Act. Petitioner's grievance is that by virtue of the twin concurrent, orders *prima facie* specific findings of fact of Respondent Nos. 1 to 3 having failed to prove their tenancy right over the subject property based on record has been reversed and upset by virtue of an incoherent finding returned in paragraph No. 5a without assigning any reasons whatsoever in the impugned MRT order. The subject property in question is area admeasuring 33R toward the northern side of Gat No. 352 totally comprising of 3 Hectares 82 R. Respondent Nos. 1 – 3 represented by Mr Agarwal approached the tenancy court in 2016 by filing Tenancy Appeal No. 2 of 2016 under Section 32G of the Maharashtra Agricultural Tenancy Land Act 1948 on the premise that name of their forefather / predecessor - in - title was reflected in the

Revenue Record in respect of the said land by virtue of Mutation Entry No.2482 dated 19.03.1966. Thus on the basis of the above premise, Respondent Nos. 1-3 claimed to be “protected tenant” of the said land and in 2016 for the first time approached the Tenancy Court / Tahsildar / Agricultural Land Tribunal (ALT) at Nasik and pleaded that since name of their predecessor in title one Mr Laxman Yadav Randive was shown as tenant of the said land in the year 1948 and 1966 and since he was cultivating the same in his capacity as tenant and since Respondent Nos.1-3 as his legal heirs continued cultivating, they be declared the deemed purchasers of the suit property and purchase price fixed.

7. Mr. Patil, learned advocate for Petitioner would submit that Respondent No. 1-3's case seeking 32G order was merely based on the aforesaid pleadings without any substantiation. He would submit that these respondents did not produce any cogent or relevant evidence to show that the said land was cultivated either by their forefather called Laxman Yadav Randive or by them to enable them to maintain 32G proceedings. He would vehemently argue that these Respondents did not produce any documentary evidence on record nor any material to show that their forefather was a protected tenant in the said land, that he cultivated the said land, that there existed relationship between the original landlord and their forefather as landlord and tenant, that who were legal heirs of the late Laxman Yadav Randive as per his family

tree and most importantly Respondent Nos. 1-3 were guilty of suppression of material facts.

7.1. He would submit that name of all tenant in the said land pertaining to all rights therein were deleted by Mutation Entry 1525 dated 01.10.1956 and by virtue of order passed under Section 6B the said land was re-granted to the Watandar being Watan land and accordingly Mutation Entry No. 2026 dated 28.12.1962 certified the above position. He would submit that by Mutation Entry No. 2051 dated 24.04.1963 32G proceedings in respect of the said land were dropped but subsequently by Mutation Entry No. 2482 dated 19.3.1966 names of all tenants came to be revived. He would submit that relying on this Entry of 1966 and previous Mutation Entry No. 1114 dated 13.06.1948 showing name of Laxman Yadav Randive his legal heirs namely Respondent Nos. 1-3 filed Tenancy proceedings in 2016 on the above ground alleging that said land was cultivated by their forefather and thereafter by them and therefore 32G order be passed in their favour.

7.2. He would submit that the learned Tahsildar / ALT passed a detailed order dated 29.01.2018 after conducting inquiry dated rejecting the 32G application by returning a specific finding of fact holding that by virtue of Mutation Entry No. 1525 dated 01.10.1956 all names of tenants in respect of Survey No. 93 corresponding to Gat

No. 352 including the said land of 33R were deleted and accordingly Mutation Entry No. 2026 dated 28.12.1962 certified the same and was carried out. He would submit that another finding in order of the Tahsildar dated 29.01.2018 is that save and except for one particular year during 2005 – 06 during which names of Respondent Nos.1 – 3 were entered into the other rights column on the 7/12 extract, neither on Tillers' day that is 01.04.1957 or during any other period / year names of Respondent Nos. 1-3 or their predecessor in title was reflected in the revenue record as "protected tenant" so as to entitle them to maintain the 32G application.

7.3. He would submit that the SDO in appeal by Order dated 10.12.2018 confirmed the above finding of Tahsildar and his order is appended at page No. 39 wherein it is categorically held that case of private Respondents of they being "protected tenant" has not been proved at any time by the said respondents by placing on record any relevant material such as tenancy agreement, rent receipts, assessment receipt of cultivation and therefore they failed in their endeavor to be declared as "protected tenants".

8. Mr. Patil would lastly submit that in the wake of such specific findings supported by material evidence having taken cognizance of the leaned MRT without even adhering to the same or giving any reasons thereupon held that due to revival of names of

tenants by a subsequent mutation entry which was done in 1966 the case of the answering Respondents deserves consideration and the sweeping finding is given that the answering Respondents are tenants in the suit land and are to be held as deemed purchasers. He would therefore urge the court to consider the concurrent finding of fact returned by the Tahsildar and SDO based on reasoned findings and set aside the impugned order passed by MRT which is sans cogent reasons.

9. *PER CONTRA*, Mr Agarwal learned Advocate for Respondent Nos.1-3 who are the principal contesting Respondents would submit that the 3 respondents Ramdas Yashwant Randive, Lata Randive and Pramod Randive are legal heirs of the original tenant Laxman Yadav Randive. He would submit that in view of Mutation Entry No. 2482 dated 19.03.1966 name of Laxman Randive was revived as tenant and the previous Mutation Entry No.2051 dated 24.04.1963 was cancelled. He would submit that in that view of the matter Respondent Nos. 1-3 were entitled to maintain the 32G proceedings in Tenancy Appeal No. 2 of 2016. When put a specific question by the court as to whether there was any material to show that Respondent Nos. 1-3 or their forefather was cultivating the said land, Mr. Agarwal in his usual fairness answered in the negative as save and except the Mutation Entry there is no other evidence. He would submit that it is an admitted position that the original owner of the land Mr. M.G Chitnis and Mr. S.K Chitnis were the land owners they never objected to the

name of Mr. Laxman Yadav Randive as tenant rather “protected tenant”.

9.1. He would fairly submit that under Section 6b of the Maharashtra Pargani and Kulkarni Watans (Abolition) Act 1950 there was a re-grant of the land which was certified by Mutation Entry No. 2026 dated 28.12.1962 but he would submit that even if name of the tenant was deleted from the revenue record due to the said land being *inam* land it would not extinguish the subsisting tenancy of the protected tenant in the said land, hence he would submit that even if there is a conflict between Section 32G(6) of the Tenancy act and section 8 of the Watan Abolition Act 1950 in respect of the said land, the right of the tenant will not remain affected even if it is re-granted back to the original owner under the Watan Abolition Act. Hence he would submit that the impugned order be upheld.

10. I have heard Mr Patil learned Advocate for Petitioners and Mr. Agarwal learned Advocate for Respondent Nos. 1-3 and the learned AGP and with their able assistance perused the record of the case. Submissions made by learned advocates have received due consideration of the Court.

11. At the outset, it is seen that if Mr. Agarwal's case is to be considered then it is incumbent on Respondent Nos. 1 to 3 to place on record *prima facie* material evidence, *inter alia*, to show that their

forefather Mr. Laxman Yadav Randive was the “protected tenant” and that he was having a tenancy agreement from Mr. Chitnis the landlord, that he was tilling the said land and cultivating crops as on Tillers Day i.e. 01.04.1957, that he was paying rent to the landlord and the landlord issued rent receipts to him and most importantly as contended by Respondent Nos. 1 to 3 that pursuant to Mr. Laxman Yadav Randive his legal heirs or the answering Respondents continued cultivating the said land and had continuous possession of the land to enable them to seek Section 32G order in their favour for fixation of sale price of the said land. It is seen that Respondent No. 1 to 3 have not been able to produce an iota of material evidence or rent receipts issued to Laxman Yadav Randive or his *kul* or any other family member or Respondent nos. 1 to 3 for cultivating the said land or they having paid rent to the landlord to justify their possession and cultivation. The only case with which Respondent Nos. 1 to 3 have approached the Tenancy Court by filing Tenancy Appeal in 2016 is on the basis of Mutation Entry No. 2482 of 1966 which revived the name of the original tenant in respect of the said land.

12. What is material to be considered in the MRT order is whether any cogent material was placed on record by the *kul* (family members) of the original tenant to justify their possession, cultivation and tilling of the said land on the Tillers’ day and thereafter until 2016. There is no *prima facie* material evidence whatsoever placed on record

to justify the same. The entire case of Respondent No 1-3 is based on Mutation Entry No. 2482 dated 19.03.1966 but it is significant to note that the previous Mutation Entry No. 1525 dated 01.10.1956 is the most crucial mutation entry which deletes all other rights in the said land since the said land is covered by provisions of Maharashtra Paragani and Kulkarni Watans (Abolition) Act 1953. Admittedly once this is the settled position then merely on the basis of one Mutation Entry No. 2482 dated 19.03.1966 the case of answering Respondents seeking declaration as protected tenant or purchasers deemed on the basis on tenancy without placing on record any material evidence cannot be accepted or countenanced. The well reasoned findings of fact in the twin orders passed by the Tahsildar dated 29.01.2018 at page 21 and SDO dated 10.12.2018 at page 39 cannot be dislodged by the singular finding in paragraph No. 5a based merely on the mutation entry.

13. In view of the above, impugned judgment dated 27.08.2021 passed by MRT cannot be sustained and deserves to be interfered with by this Court. The impugned judgment is therefore quashed and set aside. Resultantly twin orders dated 29.01.2018 passed by Tahsildar in Tenancy Appeal no. 2 of 2016 and order dated 10.12.2018 passed by SDO in Tenancy Appeal No. 15 of 2018 are both upheld and confirmed. Needless to state that all rights of the Respondent Nos. 1 to 3 and or legal heirs of Laxman Yadav Randive are expressly kept open

in respect of the said land, if they choose to agitate the same in an appropriate proceeding before the civil court for seeking any declaratory relief as available to them in accordance with law.

14. In view of the above observations and findings, both Writ Petitions stand allowed in terms of prayer clause 'a' and the directions given hereinabove for upholding the twin orders passed by the Tahsildar and SDO.

15. In view of the disposal of both Writ Petitions, pending Interim Applications are disposed accordingly.

[MILIND N. JADHAV, J.]

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