

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 17495 OF 2025

Late Bhupatbhai Raghunath Turkhia Since Decd ..Petitioners
Through L.H. Ashish B Turkhia & Ors

Versus

The Maharashtra Revenue Tribunal & Ors ...Respondents

Mr. Sagar G Talekar, for the Petitioner.

Mr. Y.D. Patil, AGP, for the Respondent-State.

CORAM: N. J. JAMADAR, J.

DATE : 12th JANUARY 2026

ORAL ORDER:

1. Heard the learned Counsel for the parties.
2. The challenge in this Petition is to an order dated 8th April 2025 passed by the Maharashtra Revenue Tribunal ("MRT") whereby the Revision Application preferred by Suresh Gambhirmal Papriwal, Respondent No.5, against a Judgment and Order dated 22nd March 2022 passed by the Sub Divisional Officer ("SDO") in Tenancy Appeal No. 5 of 2021, came to be allowed and the said order passed by the SDO was set aside.
3. Mr. Ravindra Patil, Respondent No.4, had preferred an Application under Section 70(b) of the Maharashtra Tenancy and

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Agricultural Lands Act, 1948 (“the MT & AL Act”) seeking a declaration that he was the tenant in respect of the subject land.

4. By an order dated 21st February 2019, the Agricultural Lands Tribunal (“ALT”) allowed the said Application and declared that Respondent No.4, was the tenant in respect of the subject land.

5. The said order was assailed in Appeal by Respondent No.5. The SDO dismissed the Appeal by judgment and order dated 22nd March 2022 and affirmed the order dated 21st February 2019 passed by the ALT

6. Being aggrieved, Respondent No.5 preferred revision before the MRT. By the impugned order, the MRT was persuaded to allow the Revision Application and set aside the order passed by the SDO in Appeal No. 5 of 2021 dated 22nd March 2022.

7. It is the grievance of the Petitioner that, in the operative order the MRT has observed that the revision was allowed to extent of the share of the Revision Applicant in the subject property, and, therefore, the impugned order deserves to be modified.

8. Suffice to note that the proceeding before the MRT arose out of an Application for declaration of tenancy filed by Respondent No.4 under Section 70(b) of the MT & AL Act, 1948. The order passed by the ALT in declaring that Respondent No.4 was a tenant in respect of the subject land was confirmed in Appeal by the SDO by the order dated

22nd March 2022. By the impugned order the said order dated 22nd March 2022 has been quashed and set aside and, resultantly, the declaration of tenancy in favour of Respondent No. 4, also stands quashed and set aside.

9. In these circumstances, the observations of the MRT that revision was allowed to the extent of share of Respondent No. 5 do not detract materially from the import of the order of MRT which, in effect, set aside the order passed by the ALT in favour of Respondent No.4 that he was the tenant in respect of the subject land.

10. With the aforesaid clarification, the Petition stands disposed.

[N. J. JAMADAR, J.]