

IN THE HIGH COURT OF JUDICATURE AT MUMBAI
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2926 OF 2009

Chandrakant Sakharam Mestri & Anr.	.. Petitioners.
Vs.	
Vishnu Krishna Mestri & Ors.	.. Respondents.

Mr.S.M.Railkar for the petitioners.

Coram: D.B. BHOSALE, J.
Dated : 31ST AUGUST, 2009

P.C.

- . Heard learned counsel for the petitioners.
2. This writ petition is directed against the judgment and order dated 22.10.2008 passed by the Maharashtra Revenue Tribunal, Mumbai, by which the revision application filed by respondent no.1 has been allowed, setting aside the order dated 15.7.2003 passed by the Special Land Acquisition Officer, Sindhudurg and confirming the order dated 18th October, 1965 passed by A.L.T. under section 32-G in favour of respondent no.1. The petitioners claim that they were also tenant in the suit land on 1.4.1957 alongwith respondent no.1 and that the proceedings under section 32-G were conducted in favour of respondent no.1 behind their back and hence the order declaring respondent no.1 alone as deemed purchaser deserves to be set aside. The order of A.L.T. dated 18th October, 1965, was challenged by the petitioner for the first time before the Special Land Acquisition Officer, who allowed the appeal vide

order dated 15.7.2003 without condoning the delay. That order was carried in revision by respondent no.1 before the Tribunal and by the impugned order, the Tribunal allowed the revision application. After having considered the entire material on record the Tribunal held that the petitioners did not produced any evidence on record to show that they were tenants in the suit property on 1.4.1957 alongwith respondent no.1. Mr.Railkar, learned counsel for the petitioner, even before this court, could not produce anything on record to show that the petitioners were in possession as tenants in the suit property on 1.4.1957. Mr.Railkar submitted that there is a statement of the landlord on record in the suit bearing regular civil suit no.103 of 1997, stating that the petitioners were also tenant alongwith respondent no.1 in the suit land. That statement, in my opinion, will not help the petitioners in view of the fact that the landlord did not state/specify that the petitioners were tenant on 1.4.1957. The proceedings under section 32-G were concluded in 1965 and even 32-M certificate had also been issued in favour of respondent no.1. That certificate has not been challenged by the petitioners. In the circumstances I find no merit in the petition. The writ petition accordingly fails and dismissed as such.

(D. B. Bhosale, J.)