

BEFORE THE MEMBER (SHRI V.K. KADAM), MAHARASHTRA
REVENUE TRIBUNAL, AURANGABAD

Revision No. No. 1/B/2021/B

1. Shivkumar Narayan Tiwari **Revision Petitioners**
Age-63 yrs, Occu-Agriculture,
R/o. Nagzhari Tq. Ambajogai,
Dist. Beed.
2. Kunjprasad S/o. Vitthalprasad Tiwari
Age – 64 yrs, Occu-Agriculture,
R/o. Deglur, Tq. Deglur,
Dist. Nanded.
3. Dwarakaprasad Ramlal Tiwari (deceased)
Through L.R's
- A) Sheelabai W/o. Dwarkaprasad Tiwari
Age- 68 yrs, Occu-Household
R/o. Dharampuri, Tq. Parali Vaijnath
Dist. Beed.
- B) Bablu Dwarkaprasad Tiwari
Age- 42 yrs. Occu-Agriculture
R/o. as above.
- C) Swarup Dwarkaprasad Tiwari
Age- 38 yrs, Occu-Agriculture,
R/o. as above.
- D) Sachin Dwarkaprasad Tiwari
Age- 35 yrs, Occu-Agriculture,
R/o. as above.

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4. Ayodhyaprasad Ramlal Tiwari (Deceased)
Through L.R's

- A) Shantabai W/o. Ayodhyaprasad Tiwari
Age- 76 yrs, Occu- Household,
R/o. Bittargaon, Tq. Umarkhed,
Dist. Yavatmal
- B) Suresh Ayodhyaprasad Tiwari
Age- 57 yrs, Occu- Agriculture,
R/o. as above.
- C) Pramod Ayodhyaprasad Tiwari
Age- 55 yrs, Occu- Pensioner
R/o. as above.
- D) Sandhya Sunil Dube
Age -53 yrs, Occu-Household,
R/o. Hyderabad, Telangana
- E) Santosh Ayodhyaprasad Tiwari
Age- 51 yrs, Occu- Agriculture,
R/o. Bitargaon, Tq. Umarkhed,
Dist. Yavatmal
- F) Savita W/o. Rajesh Pande
Age- 49 yrs, Occu-Household,
R/o. Latur, Tq. & Dist. Latur.
- G) Rajkumar S/o. Ayodhyaprasad Tiwari
Age- 47 yrs, Occu-Service,
R/o. Bitargaon, Tq. Umarkhed,
Dist. Yavatmal
- H) Umesh Ayodhyaprasad Tiwari
Age -45 yrs, Occu-Agriculture,
R/o as above.

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Petitioner No. 1 to 4 are representing
Through G.P.A. Holder
Rajendraprasad Vitthalprasad Tiwari
Age- 68 yrs, Occu-Pensioner
R/o. Dharmapuri, Tq. Parali Vaijnath
Dist. Beed.

5. Shivaji Sanjivanrao Bidgar
Age- 50 yrs, Occu-Agriculture,
R/o. Dautpur, Tq. Parali Vaijnath,
Dist. Beed.
6. Mauli Sanjivanrao Bidgar
Age- 48 yrs, Occu-Agriculture,
R/o. as above.
7. Sanjivan Vyankati Bidgar (deceased)
Through L.R's
 - A) Subhadrabai Dnyandev Chilgar
Age -55 yrs, Occu-Household
R/o. Chilgarwadi, Post. Supa
Tq.Gangakhed, Dist. Parbhani
 - B) Sunita Sanjay Waghmode
Age -39 yrs, Occu-Household
R/o. Koregaon, Tq. Umerga,
Dist. Osmanabad.
 - C) Chandrakala Pandhari Hulge
Age -41 yrs, Occu -Household,
R/o. Kumbhephal, Tq. Ambajogai
Dist. Beed.
 - D) Surekha Rambhau Devkate
Age - 43 yrs, Occu-Household,
R/o. Shivajinagar, Parali Vaijnath
Tq. Parli Vaijnath Dist. Beed.

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E) Dwarka Ramkumar Devkate
Age -37 yrs, Occu-Household,
R/o. Asra Chowk , Solapur
Tq. & Dist. Solapur

F) Anita Nandkumar Bandgar
Age- 35 yrs, Occu- Household,
R/o. Ektanagar, Solapur
Tq.& Dist. Solapur

Petitioner No. 7(A to F) are representing
Through G.P.A. Holder
Petitioner no. 5 to 6

V/s.

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|---|-------|--------------------|
| 1. Vishwanath Niwrutti Kokate
Age- 70 yrs, Occu-Agriculture,
R/o. Sangam Tq. Parali Vajjnath,
Dist. Beed | | Respondents |
| 2. Vajjnath Niwrutti Kokate
Age -60 yrs, Occu-Agriculture
R/o. as above | | |
| 3. Bhagwat Baburao Kokate
Age -35 yrs, Occu-Agriculture,
R/o. as above | | |

Shri J.S. Gavane advocate for petitioners.
Shri Akash Gade advocate for respondents.

**CLAIM : - Revision Petition U/Section 91 of Hyderabad
Tenancy & Agricultural Lands Act 1950.**

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: JUDGEMENT :
(Delivered on 05/12/2022)

1. Being aggrieved & dissatisfied by the judgment and order passed by Deputy Collector General (L.R.) Beed dated 14/12/2020 in File No. 2019/Gen/L.R./Kul/Appeal/243 the revisional petitioner filed the present petition on the following grounds.
2. That the order passed by Deputy Collector Beed dated 14/12/2020 is wrong, illegal and against the provision of Law. The Ld. Deputy Collector has failed to consider document and record and came to the wrong conclusion and recorded perverse finding. The Collector ought to have considered that the land survey no. 70 admeasuring 5 acre 29 gunthe, survey no.71 admeasuring 20 acre 11 gunthe and survey no. 72 admeasuring 26 acre 12 gunthe land was given by Government to Ramlal Sunderlal Tiwari, Vitthalprasad Sunderlal Tiwari, Narayanprasad Sunderlal Tiwari and granted ownership in their favour. Moreover by way of Mutation Entry No.90 name of the original owner was shown in Revenue Record.
3. It is pertinent to note that the Deputy Collector Atiyat by order dated 05/08/1978 directed to take the above mentioned land in the Government Treasury and thereafter the said land was taken in Government custody. Against the order of Deputy Collector dated 05/08/1978 the appeal was preferred before Collector and it was dismissed, against the said order appeal was preferred to the Government and it was also dismissed. Thereafter Writ Petition No.

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288/1983 was preferred and Hon'ble High Court by order dated 10/08/1990 directed to the Atiyat Collector to hold fresh enquiry and directed to decide the nature of the suit land. Thereafter Deputy Collector Atiyat by order dated 26/05/1994 decided the nature of the land and held that, land survey no. 70,71,72,57,83,84 situated at Dautpur was not the Inam land.

4. Tulshiram Eknath Lomate filed appeal before Collector Beed by order dated 28/12/1995 rejected the appeal and confirmed the order of Deputy Collector Atiyat Ambajogai dated 26/05/1994. Therefore it is clear that, the respondent or Niwrutti Hariba Kokate has no concern with the suit land since 1978 and they are not in possession of the suit land. That as per the order of Tahsildar dated 31/03/1982, name of the Niwrutti Hariba Kokate was deleted from the final tenancy register of the land survey no. 70,71,72 and entry was also taken in the final register of the tenancy and said order was not challenged by the Niwrutti Hariba Kokate and present respondent. That the tenancy right of Niwrutti Hariba Kokate and present respondents was already came to an end in view of the order dated 31/03/1982 and against the said order present respondent or his father have not filed any appeal and they are not in possession of the suit land as a tenant.

5. That when the land was taken in Government possession in the year 1978 and it was given on yearly basis cultivation at that time the respondent taken the suit land in yearly basis cultivation for two to three times and with the collusion of the revenue authority

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entered their name in cultivation column and the said entry is not confirmed the tenancy right because when the land was taken in auction proceeding in that event the respondent or their father have no any right.

6. It is further submitted that the original owner given the application to enter their name in the ownership column and thereafter the mutation entry no. 506 was sanctioned by the Naib Tahsidlar Parali on dated 28/02/2005 and the name of the present petitioner no. 1 to 4 have been shown in the ownership column. Against the said order present respondent have preferred appeal before the S.D.O. Ambajogai and S.D.O. Ambajogai by order dated 22/12/2006 rejected the appeal and confirmed the order passed by Naib Tahsildar Dated 28/12/2005. Against the said order present respondent filed Appeal before the Additional Collector Ambajogai and it was also dismissed on dated 25/01/2008. Thereafter the mutation entry no. 506 was final and the name of the owner was shown in the ownership as well as cultivation column.
7. The Tahsildar Beed by order dated 11/01/2001 decided the issue in respect of the tenancy of the land survey no. 57,83,84,70,71,72 and held that the application for claiming tenancy right was rejected. Against the said order appeal was preferred before the Deputy Collector by Sanjivan Bidgar and others and the said appeal also rejected by Deputy Collector dated 23/07/2001. Against the said order the revision petition No. 89/B/2001 was field by present respondent no. 1 to 3 before the M.R.T. and said revision

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was dismissed. Therefore issue of claiming tenancy by the respondent no. 1 to 3 was already decided and the present respondent have challenged the said order before M.R.T. and the revision was dismissed, therefore the order passed by Deputy Collector Beed remanding the matter to the Ld. Tahsildar is contrary to the Law.

8. The present respondent have also filed review petition before the S.D.O. Ambajogai requesting to review the order passed by S.D.O. dated 15/09/1999. S.D.O. by order dated 05/12/2006 rejected the appeal of the respondent and confirmed order passed by S.D.O. whereby the name of petitioner Shivaji Sanjivan Bidgar and Mauli Sanjivan Bidgar confirming their name in cultivation column. Against the said order present respondent filed appeal before Additional Collector Ambajogai and Additional Collector Ambajogai by order dated 25/01/2008 rejected their appeal. The present petitioner no. 1 to 4 have executed registered sale deeds in favour of present petitioner No. 5 to 7 in the year 2005 and on that basis the mutation entry no. 625,626,627,628 was sanctioned. Against the said order present respondent have filed appeal before S.D.O. and S.D.O. by order dated 22/12/2006 rejected the appeal. Against the said order present respondent have preferred another appeal before Additional Collector and the same was also dismissed on 21/01/2008 thereafter revision petition No. 301/2008 and 302/2008 was also filed before the Additional Commissioner and both revision petitions were dismissed. Therefore the respondents

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are not in possession of the suit land as a tenant. There is no document or agreement to show that, original owner petitioner no. 1 to 4 inducted the respondent as a tenant of the suit land there is no any khand paid by them. The name of the father of the respondent namely Niwruutti Hariba Kokate was deleted from the protected tenancy register in the year 1982 and against the said order no any appeal was filed and therefore their tenancy right was also extinguished. It is pertinent to note that, land survey no. 72 admeasuring 17 acre 36 gunthe was already declared to Niwruutti Hariba Kokate and present petitioner did not dispute about the said tenancy. However, the land survey no. 70 & 71 was not declared to Niwruutti Hariba Kokate and he was not tenant of the suit land. On the contrary his name was deleted from the protected tenancy register in view of the order passed by Tahsidlar. Lastly the petitioner prayed the judgment and order passed by Deputy Collector General (L.R.) Beed dated 14/12/2020 may kindly be quashed and set aside.

9. In response to the notices the respondents appeared and resisted the revision petition by contending inter alia. That, it is a matter of record that the present respondent are protected tenants and possessors of the suit lands original survey no. 70,71 & 72 which have been converted in gut numbers. It is also matter of report that the respondents have filed Special Civil Suit No. 21/2006 before the Ld. Civil Judge (S.D.) Ambajogai seeking the relief of declaration that Sale Deed challenged in the said suit is not binding

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upon them. The respondents have also prayed for the relief of permanent injunction. The suit is pending before the Ld. Trial Court. It is further submitted despite the cogent evidence, the Ld. Tahsildar erroneously held that the respondents are not tenants of old survey no. 70,71,72 vide its judgment and order dated 26/06/2019. The respondents preferred an Appeal assailing the judgment and order passed by Ld. Tahsildar, Parali on 26/06/2019 before the Ld. Deputy Collector General (L.R.) Beed. The Ld. Deputy Collector by judgment and order dated 14/12/2020 pleased to partly allow the Appeal preferred by respondents and set aside the judgment and order passed by Tahsildar. It is submitted that the Ld. Deputy Collector has rightly observed that the father of the present respondents namely Niwruiti Kokate was in actual possession of the properties in question before the enactment of Hyderabad Tenancy Act, 1950 and as such Niwruiti Kokate came to be declared as a tenant vide under Section 38 E of the said Act. The Ld. Deputy Collector has rightly observed that the judgment and order passed by Tahsildar is in flagrant disregard of weight of evidence and principles of natural justice. It is rightly appreciated while passing judgment and order under challenged that no notices was issued to the protected tenant while purportedly cancelling the tenancy in the name of father of respondents by Tahsildar in 1982. It is further submitted that in humble submission of respondents, the order challenged before this Hon'ble Tribunal does not warrant interference from this Hon'ble Tribunal and lastly prayed to dismiss the revision.

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10. Shri J.S. Gavane advocate for the revision petitioners and Shri Akash Gade advocate for the respondents in considerable length.
11. On the submissions advance by both the parties. The following points arise for my determination and findings are given against each point for the reasons below.

Sr.No.	Points	Findings
1.	Whether the judgment and order passed by Deputy Collector General (L.R.) Beed dated 14/12/2020 in file No.2019/Gen/L.R./Kul/Appeal/243 is legal, proper and maintainable in the eyes of Law?	Negative
2.	Whether the interference is warranted in the judgment and order passed by Deputy Collector General (L.R.) Beed dated 14/12/2020 in File No. 2019/Gen/L.R./Kul/Appeal/243 ?	Affirmative
3.	What order?	As per final order

For the reasons below-

12. As to point no.1 & 2-

The points no. 1 & 2 are being interlinked therefore it can be dealt by giving common reasons.

This is second round litigation between the parties. It is submitted by petitioner that the respondent no. 1 to 3 and Radhabai Babulal Kokate filed Special Civil Suit No. 21/2006 before the C.J.S.D. Ambajogai. Against the present petitioner and the said suit was filed for declaration that the sale deed no. 3825 to 3828 dated

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14/06/2005 executed by original defendant No. 1 to 4 in favour of defendant no.5 to 8 are not binding upon the plaintiffs and be declared in effective. In the suit the petitioner have file written statement and Civil Court by order dated 31/03/2018 made reference to the Tahsildar they are original plaintiffs/present respondents are the tenant of the suit land and sent the matter to the Tahsildar Parali for deciding the tenancy issue. Thereafter hearing both the parties Tahsildar Parali Vaijnath by order dated 26/06/2019 held that the original plaintiffs are tenant of the land survey no. 72 admeasuring 17 acre 36 gunthe of Village Dautpur, Tq. Parali Vaijnath District Beed and not the tenant of the land survey no. 70 (gat no. 217) survey no. 71 (gat no. 218) of Village Dautpur Tq. Parali Vaijnath Dist. Beed. It is further submitted that against the said order Parali Vaijnath the present respondent have filed appeal before the Deputy Collector Beed. The Deputy Collector Beed by order dated 14/12/2020 partly allowed the appeal of the respondent and order passed by Tahsildar Parali Vaijnath dated 26/06/2019 was quashed and set aside.

13. On going through the entire record and proceeding it reveals that the Deputy Collector Atiyat by order dated 05/08/1978 directed to take the above mentioned land in the Government Treasury and thereafter the said land was taking in the Government Treasury. Against the said order of the Deputy Collector dated 05/08/1978 the appeal was preferred before the Collector and it was dismissed,

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against the said order the appeal preferred to the Government and it was also dismissed.

14. Thereafter the writ petition no. 288/1983 was preferred and the Hon'ble High Court by order dated 10/08/1990 directed to the Atiyat Collector to hold the fresh enquiry and direct to decide the nature of the suit land. Accordingly Deputy Collector Atiyat by order dated 26/05/1994 decide the nature of the said land and came to the conclusion land survey no. 70,71,72,57,83,84 of Village Dautpur was not the Inam Land. Further it appears that Tulshiram Eknath Lomate filed appeal before the Atiyat Collector Beed and Collector Beed by order dated 28/12/1995 rejected the appeal and confirmed the order of Deputy Collector Atiyat Ambajogai dated 26/05/1994. So it appears that Niwruitti Hariba Kokate has not concerned with the suit land since 1978 and they are not in possession of the suit land.
15. It is further submitted that as per the order of Tahsildar dated 31/03/1982, the name of the Niwruitti Hariba Kokate was deleted from final tenancy register of the land survey no. 70,71,72 and the entry was also taken in the final register of tenancy and said order was not challenged by Niwruitti Hariba Kokate and present respondent the order passed by Tahsidlar dated 31/03/1982 attended finality. It is submitted by Shri J.S. Gavane advocate that when land was taken in possession in the year 1978 and it was given on yearly cultivation basis at that time the respondent taken the suit land in Eksala Lawani basis for cultivation for two to three times and

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with collusion of the revenue authority entered their name in cultivation column and the said entry is not confirmed the tenancy right. Further it appears that the original owner had given application to enter their name in the ownership column and thereafter the mutation entry no. 506 was sanctioned by the Naib Tahsildar Parali on 28/12/2005 and name of respondent no. 1 to 4 have been shown in the ownership column. Against the said order the respondents have preferred the appeal before the S.D.O. Ambajogai and S.D.O. Ambajogai by order dated 22/12/2006 rejected the appeal and confirmed the order passed by Naib Tahsildar on dated 28/02/2005. It is further submitted that against the said order present respondent filed appeal before the Additional Collector Ambajogai and it was also dismissed on 25/01/2008 so the mutation entry no. 506 was final of the name of the owner was shown in the ownership as well as cultivation column.

16. Ld. advocate Shri Akash Gade has submitted that the present petitioner have no any ground while to challenge the order passed by Deputy Collector General (L.R.) Beed and the ground shown in the revision are not proper and legal.

17. Shri J.S. Gavane Ld. advocate for petitioner further submit that Tahsildar Beed by his order dated 11/01/2001 decided issue in respect of the tenancy of the land survey no. 57, 83, 84, 70, 71, 72 and also that the application for claiming rights was rejected. Against the said order appeal was preferred before the Deputy Collector by Sanjivan Bidgar and others said appeal was also

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rejected by Deputy Collector Beed dated 23/01/2001. Against the said order the revision petition no. 89/B/2001 was filed by the present respondent no. 1 to 3 before Maharashtra Revenue Tribunal and said revision was dismissed. Therefore, the issue of claiming tenancy by respondent no. 1 to 3 was already decided and present respondent challenged the said order before M.R.T. and revision was dismissed. Therefore order passed by Collector Beed remanding the matter to the Tahsildar is contrary to the Law. He further submit that on passing of the order in earlier proceeding the Tahsildar had become functus officio and it was not open to once again initiate the proceeding under section 32 G of Act, in this regard Shri J.S. Gavane Ld. advocate for petitioner placed his reliance on following judicial precedent in the case Siddhappa Rama Patil V/s. Sattur Laxman Kole (deceased) by his heirs Laxman Sattu Kole and others reported in 2004 (4) Mh. L.J. Page no. 119 their Lordship in para No. 7 observed that –

Insofar as the order passed by the Tahsildar dated December, 1972 in the subsequently initiated 32 G proceeding is concerned, I have no hesitation in taking the view that initiation of fresh 32 G proceeding by the Tahsildar was without jurisdiction. Once the proceeding was finally decided by him and on which basis certificate under Section 32M of the Act has already been issued in favour of the tenant, on passing order in the earlier proceeding the Tahsildar had become functus officio and it was not open to him to once

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again initiate fresh proceeding under Section 32G of the Act. Viewed in this prospective, the order passed by the Tahsildar dated December, 31, 1972 deserves to be set aside being without jurisdiction. This crucial aspect is once again glossed over by the Appellate Authority as well as the Revisional Authority, in spite of such a grievance being made by the petitioners.

On going through the keen observations of the fact of the cited judicial precedent, it appears that it is clearly applicable to the case in hand.

18. It is further submitted that petitioner no. 1 to 4 have executed registered sale deed no. 3825/2005, 3826/2005, 3827/2005, 3828/2005 in favour of the present petitioner no. 5 to 7 and on that basis the mutation entry no.625, 626,627, 628 was sanctioned. Against the said order present respondent have filed appeal before S.D.O. and S.D.O. by order dated 22/12/2006 rejected the appeal in the said order the present respondent have preferred another appeal before Additional Collector and the same was also dismissed on 21/01/2008. Thereafter revision petition no. 301/2008, 302/2008 was also filed before the Additional Commissioner and the revision petitioners were dismissed. Therefore respondents are not in possession of the suit land as a tenant. It is further submitted that the name of father of respondent namely Niwruitti Hariba

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Kokate was deleted from protected tenancy register in the year 1982 and against the said order no any appeal was filed and therefore their tenancy right was also extinguished it is submitted by Shri Gavane advocate for petitioner that land survey no. 72 admeasuring 17 acre 36 gunthe was already declared to Niwrutti Hariba Kokate and the present petitioner did not dispute about the said tenancy. However the land survey no. 70 and 71 was not declare to Niwrutti Hariba Kokate and he not have been tenant of the said land his name has been deleted from protected tenancy register. In view of the order passed by Tahsildar so the respondents are not entitled to be claim as a tenant of land survey no.70 & 71 in addition. In this regard Shri Gavane advocate has placed his reliance on following judicial precedent in the case of **Baburao S/o. Govinda and others V/s. Tryambak S/o. Dhondu and others reported in 1980 Bombay C.R. page (587)** their Lordship have observed that –

Hyderabad Tenancy and Agricultural Lands Act, 1950, Secs.34, 38-E, 38-G & 40- Protected tenant becoming deemed purchaser of certain lands out of suit lands- Sons inheriting his interest claiming additional right of purchase of remaining lands- Held, protected tenancy remains protected tenancy after inheritance. Heirs surviving his tenancy cannot get further rights de novo to purchase additional lands.

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On going through the keen observations of the facts of the cited judicial precedent, it appears that it is applicable to the case in hand.

19. The Ld. advocate Shri Akash Gade for the respondent submit that it is a matter of record that the present respondents are protected tenants and possessors of the suit land survey no. 70,71 & 72. The Special Civil suit has been filed by respondent bearing no. 21/2006 before the Civil Judge Senior Division Ambejogai. He further submit that the Deputy Collector has rightly observed that the father of present respondents namely Niwruitti Hairiba Kokate was in actual possession of the properties in question before the enactment of Hyderabad Tenancy Act 1950 and as such Niwruitti Hariba Kokate came to be declared as a tenant under Section 38 E of the said Act. It is further submitted that it has been rightly appreciated while passing the judgment and order not challenged that no notices were issued to the protected tenant while cancelling the tenancy in the name of father of respondent by Tahsildar in the year 1982. The order challenged before this Hon'ble Tribunal and does not warrant interference from this Hon'ble Tribunal and he prayed to dismiss the revision.

20. On going through the entire submissions, pleading documentary evidence placed on record it reveals that the respondent no. 1 to 4 are the original owner of the suit land. The suit lands are not the Inam lands. The Atiyat Court has declared the suit land are not the Inam land. It is further appears that as per

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order of Tahsildar dated 31/03/1982 the name of the Niwruuti Hariba Kokate was deleted from the final tenancy register from the final tenancy register of the land survey no. 70 & 71 and entry was also taken in the final register of tenancy and said order not challenged by the Niwruuti Hariba Kokate and the present respondents it further appear that the tenancy right of the Niwruuti Hariba Kokate and present respondents was already came to an end in view of the order dated 31/03/1982 and against the said order present respondents or their father have not filed any appeal and they are not in possession of the suit land as a tenant. It is further appears that in the year 1978 the Government has taken the possession of the suit land for giving yearly cultivation basis so the name of respondent was to be recorded as respondents for taken the said land for cultivation 2,3 times. The original owner given application to enter their name on the basis of ownership vide mutation entry no. 506 was sanctioned by the Tahsildar Parali on 28/02/2005. The said order has been confirmed from S.D.O. Ambejogai by his order dated 22/12/2006.

21. The petitioners No. 1 to 4 have executed sale deed no. 3825/2005 to 3828/2005 and on that basis mutation entry no. 625 to 628 have been sanctioned against the mutation entry the respondents have filed appeal before S.D.O. and S.D.O. has rejected the appeal by his order dated 22/12/2006. Thereafter appeal was preferred before Additional Collector and it has been dismissed on 21/01/2008. Thereafter revision petitions No. 301/2008 and

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302/2008 were also preferred before Additional Commissioner and both the revision petitions were dismissed. So it appears that the respondents are not in possession of the suit land. Survey no. 72 admeasuring 17 acre 36 gunthe was already declared to Niwrutti Hariba Kokate and present petitioner did not dispute about the said tenancy. However the land survey no. 70, 71 was not declared to Niwrutti Hariba Kokate and he was not tenant of the said land. In this scenario the judgment and order passed by Tahsildar Parali by his order dated 26/06/2019 is proper. The order passed by Deputy Collector General (L.R.)/Beed dated 14/12/2020 is not proper and legal. There is no need for fresh enquiry in to the matter, has already enquiry has been held so the order passed by Deputy Collector General (L.R.) Beed dated 14/12/2020 in file no.2019/Gen/L.R./Kul/Appeal/243 is liable to be quashed and set aside. I therefore answer to point no. 1 is in negative and point no.2 in the affirmative.

22. **As to point no. 3** - In the result I pass following order.

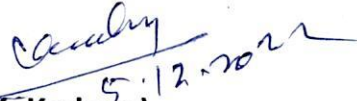
ORDER

1. The Revision No. 1/B/2021/B is here by allowed.
2. The judgment and order passed by Deputy Collector General (L.R.) Beed dated 14/12/2020 in file No.2019/Gen/L.R./Kul/Appeal/243 is here by quashed and set aside.

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3. The judgment and order passed by Tahsildar Parali Vijnath dated 26/06/2019 in file No. 2018/जमा-2/R.O.R./कावि-262 is hereby made confirmed.
4. No order as to costs.
5. The record and proceeding be sent to the concerned authority immediately.

Place : Aurangabad
Dated : 05/12/2022


(V.K. Kadam)
Member,
Maharashtra Revenue Tribunal,
Mumbai.

