

**BEFORE THE MAHARASHTRA REVENUE TRIBUNAL,**  
**PUNE DIVISION BENCH, PUNE**

**P/XII/1/2011**

Laxmibai Ghevarchand Parmar & Ors.

...Applicant/s

v/s.

Bhikhabai Tukaram Thombre & Ors.

...Respondent/s

**CORAM : Shri S.B. Patil**

In-charge Member

Maharashtra Revenue

Tribunal, Bench at Pune

Date : 29/03/2022

**JUDGEMENT**

1. The present Revision application is filed by the Applicant challenging the order dated 12/10/2011 passed by the Ld. SDO, Maval (hereinafter referred to as the "impugned order") in tenancy appeal bearing no. 04/2010 who has confirmed the order dated 30/11/2009 passed by the Tahsildar, Maval in proceeding bearing no. 262/2009.
2. The Revision Applicant has filed the revision application in respect of land bearing survey no. 131/1/1, admeasuring about 0H-55R; situated at village : Kune, Taluka : Maval and Distict : Pune. (hereinafter referred to as "said lands").
3. The facts in brief after perusing the documents on record are as follows :



- a. The said land was vesting with the Government after 84C enquiry and later the possession of said land was given to Respondent's predecessor by the government and thereby the present Respondents have become the owners of the said land and they had made an application bearing no.TMK/Vshi/262/2009 before the Tahsildar & ALT, Maval to delete the names of the present Applicants from the other rights column of the 7/12 extracts. The Tahsildar & ALT, Maval, allowed the application and passed an order dated 30/11/2009 thereby directing to delete the names of the present applicants.
  - b. Being aggrieved by the order 30/11/2009 passed by the Tahsildar & ALT Maval, the present Applicants filed appeal no. 04/2010 before the Ld. SDO, Maval, whereby the Ld. SDO, Maval, dismissed the appeal and confirmed the order passed by the Tahsildar & ALT, Maval , vide the impugned order.
  - c. Being aggrieved by the impugned order, the Applicants have filed the present revision application before this Tribunal, praying for quashing and setting aside the impugned order.
4. On perusal of the Revision application, orders passed by the Ld. SDO, Maval and the Tahsildar & ALT, Maval, and the documents on record, I observe that vide mutation entry no. 797 dated 10/09/1970, enquiry under section 84C of the Tenancy Act, was conducted in respect of said land and thereby an order was passed that the said land shall vest in the Government.
  5. Further, it can be seen vide mutation entry no.1027 dated 28/05/1983 that the said land which was vesting in the



government was given to Tukaram Pandu Thombre and thereby he became the owner and in possession of the said land and after his demise, the present Respondents are the owners and the same is recorded vide mutation entry no.1946.

6. It is also pertinent to note that it is only when the Respondents applied to the Tahsildar & ALT, Maval and thereby order was passed for deleting the names of Applicants, the Applicants woke up from their slumber. The present Applicants have never challenged the order dated 10/09/1970 passed in 84C enquiry nor have challenged mutation entry no.1027 dated 28/05/1983 till date.
7. In my opinion, the name of the Applicant's predecessor was required to be deleted in the year 1970 itself when the said land was vested in the government according to the enquiry conducted under section 84C of the Tenancy Act. Though the name of Applicant's predecessor remained to be deleted in the year 1970 it should simultaneously have been deleted when mutation entry no. 1027 dated 28/05/1983 was recorded but then it was not deleted and the names of Applicants were carried forward until 2009. The names of the Applicants are hollow entries which are required to be deleted from the other rights column of the 7/12 extracts.
8. In my view, the Tahsildar & ALT, Maval has accurately considered and observed that the Applicants do not have any right in the said land and therefore their name are required to be deleted from the other rights column of the 7/12 extract as per the provisions of law and this finding has rightly been confirmed by the Ld. SDO, Maval.

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9. It is a concurrent finding of facts recorded by the lower courts and this Tribunal shall not interfere with the concurrent finding of facts except where this Tribunal finds that the orders passed by the lower courts are contrary to law or there is any perversity in the findings recorded by the lower courts and in the present cases I find no reason to interfere with the orders passed by the lower courts as no case has been made out by the Revision Applicants.
10. Thus, in view of the aforesaid, and decisions of the Ld. Tahsildar & ALT, Maval and Ld. SDO, Maval, I find no serious infirmity in the approach adopted by both the lower courts. Hence, the following order.

**ORDER**

1. Revision application is dismissed.
2. The order dated 12/10/2011 passed by the Ld. SDO, Maval in appeal no.: 04/2010 and the order dated 30/11/2009 passed by the Ld. Tahsildar & ALT, Maval in proceeding bearing no.262/2009 are hereby confirmed.
3. No costs.

Place : Pune

Date : 29/03/2022



(Shri. S.B. Patil)

In-charge Member

Maharashtra Revenue Tribunal  
Bench at Pune