

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD**

LETTERS PATENT APPEAL ST. NO. 21883 OF 2010

Udesing Ramsing Pawar

.. APPELLANT

VERSUS

Shri Mehbub Hasan Tadvi
& others

.. RESPONDENTS

Mr. M.S. Deshmukh, advocate for appellant.
Mr. G.R. Ingole, AGP for the State.

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CORAM : R.M. BORDE &

P.R. BORA, JJ.

DATE : 26th FEBRUARY, 2015.

PER COURT :

1. Appellant – a non-tribal is raising exception to the order passed by the learned Single Judge in Writ Petition No. 788/1991 decided on 12.01.2010. The proceeding before the learned Single Judge were taken up challenging the order passed by the Member, Maharashtra Revenue Tribunal in Revision Application No. 7/1989 arising out of Adiwasi case No. 60/1975 by the appellant herein.

2. The order impugned before the learned Single Judge is an order of remand passed by Maharashtra Revenue Tribunal directing remittance of the appeal objecting to the order passed by the Tahsildar as well as Maharashtra Revenue Tribunal. The first objection relates to the status of respondent. It was contended that respondent professes Muslim religion and as such cannot be considered as tribal. This contention is negated by

the learned Single Judge relying upon the judgment of the Supreme Court in the matter of Lingappa pochanna Appealwar V. State of Maharashtra and another reported in AIR 1985 S.C. 389. The other issue relates to exchange of land between the tribal and non-tribal. According to Maharashtra Revenue Tribunal, the issue needs to be considered by the Tahsildar afresh. Finding recorded by Maharashtra Revenue Tribunal in that regard has been confirmed by the learned Single Judge. The learned Single Judge while disposing of Writ Petition has issued direction to the Tahsildar to take decision in the matter expeditiously. The learned Single Judge has passed order in the year 2010 and since thereafter there was no interim order operating in the matter directing stay to the proceedings pending before the Tahsildar on remand of the matter. In all probabilities, the Tahsildar must have disposed of the matter. Even otherwise, on going through the order passed by the learned Single Judge, we do not find any merit in the letters patent appeal. Letters patent appeal as such stands dismissed.

3. Pending civil application, if any, does not survive and stands disposed of.

(P. R. BORA)
JUDGE

(R. M. BORDE)
JUDGE

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