

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION St.NO.5798 OF 2015**

Babuaro Shankar Kashid (deceased) through heirs	..Petitioners
Vs.	
Waman Pevji Nirmal & Anr.	..Respondents

**WITH
WRIT PETITION St.NO.5799 OF 2015**

Vitthal Shridhar Chavan	..Petitioner
Vs.	
Shankar Sitaram Bhalekar	..Respondent

**WITH
WRIT PETITION St.NO.5800 OF 2015**

Savita Mahadu Kashid	..Petitioner
Vs.	
Vitthal Jungaji Kale (deceased) through LRS & Ors.	..Respondents

Mr. Sanjiv Sawant for the Petitioners
Ms Aparna Vhatkar AGP for the Respondent Nos.2 & 3

CORAM : R. M. SAVANT, J.
DATE : 23rd MARCH, 2015

P.C.

1 The cause for invoking the Writ Jurisdiction of this Court by way of the above Writ Petitions is the fact that the application for stay filed by the Petitioners in each of the above Petition cannot be heard as there is no member of the Maharashtra Revenue Tribunal (Maharashtra Revenue Tribunal), available at Pune. The said stay applications are filed in the Appeals under Section 6 of the Maharashtra Restoration of Lands of Scheduled Tribes Act, 1974, which Appeals are filed by the Petitioners against the order dated 3-1-

2015 and two orders dated 5-1-2015, passed against the Petitioners in the above Petitions by the SDO Junnar-Ambegaon, Manchar Sub-Division, Pune, on 23-2-2015. By the said orders, the lands are to be taken possession of from the Petitioners in the above Petitions and to be handed over to the Adivasi land holders who were the Applicants before the SDO. The Petitioners claimed to have purchased the lands from the Respondent No.1 by the registered agreements and claim to be in possession of the said lands since the last 25 years.

2 It is the case of the Petitioners that the Respondent No.1 in fact had purchased the lands from the father of the Petitioners in Writ Petition St. No.5798 of 2015. It is also the case of the Petitioners that the Respondent No.1. is not a tribal as he has not produced any caste validity certificate. It is not necessary for this Court to enter into the said arena, as this Court is not required to adjudicate the matter on merits in view of the pendency of the Appeals. It is only because a forum is not available in Pune for hearing of the stay applications that the Writ Jurisdiction of this Court has been invoked.

3 The Learned AGP on instructions states that the Member of the Maharashtra Revenue Tribunal Mr. P. B. Sawant has been given the additional charge of Pune and he is available for consideration of the matters arising in Pune every second and third week of the month. In view of the said statement,

the Petitioners can therefore move the Member on 6-4-2015 as the week commencing from 6-4-2015 is the second week of the said month, for hearing of the said application. The Learned Member may thereafter fix the schedule for hearing of the stay applications as per his convenience. To facilitate the Petitioners moving the said stay applications in the pending Appeals filed by the Petitioners, the orders passed by the SDO dated 3-2-2015 and 5-1-2015 not to be given effect to till 8-4-2015. The Petitioners would thereafter apply for continuation of the stay before the Learned Member of the Maharashtra Revenue Tribunal. The Learned Member may also consider the disposing of the applications for stay as expeditiously as possible. In view of the nature of the directions to be issued, no notice is required to be issued to the Respondent No.1. The grant of stay by the instant order should not be construed as expression of any opinion on the merits of the stay applications or the Appeals, the same to be decided by the Learned Member of the Maharashtra Revenue Tribunal on their own merits and in accordance with law. With the aforesaid directions, the Writ Petitions are disposed of.

[R.M.SAVANT, J]