

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.1791 OF 1992

Panda @ Pandhari Ranba Kamble,
(Deceased) through his LR's

1. Angad S/o Pandhari Kamble,
Age-55 years, Occu-Agriculturist,
R/o Harangul (Bk.)
Tq. and Dist. Latur,
2. Narayan S/o Pandhari Kamble,
Age-50 years, Occu-Agriculturist,
R/o Harangul (Bk.)
Tq. and Dist. Latur,
3. Shivhar S/o Angad Kamble,
Age-26 years, Occu-Service as Driver,
R/o Harangul (Bk.)
Tq. and Dist. Latur,

PETITIONERS

VERSUS

1. The State of Maharashtra,
2. The Additional Commissioner,
Aurangabad,
3. The Additional Collector, Latur,
4. The Sub-Divisional Officer,
Latur,
5. The Tahsildar, Latur,
6. Kushabai w/o Gautam Bharati,
Age-45 years, Occu-Household,
R/o Harangul (Bk.)
Tq. and Dist. Latur,

RESPONDENTS

WITH

WRIT PETITION NO.11165 OF 2015
(Gautam Narayan Bharati, died, through LR's Vs. The State
of Maharashtra and others)

Mr.S.S.Choudhary, Advocate for the petitioners.
Mr.V.G.Shelke, AGP for respondent Nos. 1 to 5.
Mr.C.D.Biradar and Mr.U.P.Giri, Advocates for respondent No.6.

(CORAM : RAVINDRA V. GHUGE, J.)

DATE : 07/01/2016

ORAL JUDGMENT :

1. It was by the consent of the parties that this Court on 03/12/2015, passed an order that both these petitions would be heard together. The said order reads as under :-

“Post this matter on 10/12/2015 subject to part heard with Writ Petition No.11165/2015, in view of joint request made by learned Counsel for respective parties.”

2. Again on 10/12/2015, both the learned Advocates prayed that these two petitions be heard together.

3. It is in the light of these two orders dated 03/12/2015 and 10/12/2015 that both these matters are being heard together today. So also, learned Advocate Mr.C.D.Biradar and Mr.S.S.Choudhary prayed for a common hearing.

4. The first petition was admitted by this Court on 16/09/1992.

5. I have heard both the learned Advocates in the first and the second petition for quite some time.

6. It is revealed that the very basis of the claim of Panda alias Pandhari Ranba Kamble, now deceased, through LR's is the order of the Tahsildar, Latur dated 26/04/1983 in File No.1980/TNC/0/38-E (1)/3 and the order passed by the Deputy Collector, Latur dated 29/01/1986 in File No.1983/TNC/A/13/LTR. On account of subsequent events, Panda is aggrieved by the judgment of the Additional Commissioner, Aurangabad dated 15/01/1992 by which the Revision Petition No.1991/REV/R-65 filed by Kushabai w/o Gautam Bharati (original landlord) has been allowed and the order of the Additional Collector dated 20/08/1991 passed on the two appeals No.A-12 and A-13 filed by the petitioner Panda had been set aside.

7. Mr.Biradar submits that in the second petition, he has challenged the orders passed by the Tahsildar, Latur dated 26/04/1983 in File No.1980/TNC/0/38-E (1)/3 and the order passed by the Deputy Collector, Latur dated 29/01/1986 in File No.1983/TNC/A/13/LTR. He, however, fairly states that Revision Petition No.61-D/2015 has been filed by his client Kushabai Gautam

Bharati before the learned M.R.T. Aurangabad. He submits that if the delay condonation application is allowed and if his revision petition is allowed, then, the appeal No.1983/TNC/A/13/LTR which was compromised and was withdrawn by the deceased Gautam Narayan Bharati, would be restored before the Deputy Collector, Land Records, Latur. In doing so, the order dated 29/01/1986 would then stand set aside and the said case which was instituted on 13/05/1983 by the deceased Gautam Narayan Bharati would be prosecuted by his widow Kushabai Gautam.

8. In the light of the above, both the learned Advocates fairly state that the decision in the said revision petition pending before the Maharashtra Revenue Tribunal would impact the two orders dated 26/04/1993 and 29/01/1986. Both, therefore, submit that these two petitions can be disposed of by keeping all the points open to be agitated in the pending revision petition before the MRT and by maintaining status-quo existing today with regard to the possession of the land at issue and the revenue entries.

9. In the light of the above statement, both these petitions are disposed of without going into the merits and contentions of the litigating sides. All contentions of the parties are kept open to be

canvassed before the learned Maharashtra Revenue Tribunal in the pending Revision Petition No.61-B/2015.

10. Needless to state, all the parties are at liberty to avail of legal remedies flowing from any order or decision of the M.R.T. on the delay application and/or the Revision Petition No.61-B/2015. Until then, the litigating sides shall maintain status-quo as existing today with regard to the possession of the land at issue as well as the revenue entries concerning the said land.

11. Rule is, therefore, discharged in the first petition.

(RAVINDRA V. GHUGE, J.)