

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.3295 OF 2014
(Madhav Sakharam Shinde and another Vs. Manohar Vishwanath
Agrawal and others)

WITH
CIVIL APPLICATION NO.6120 OF 2017

Mr.S.S.Gangakhedkar, Advocate for the petitioners.
Mr.H.H.Palodkar, Advocate for respondent No.1.
Mr.N.T.Bhagat, AGP for respondent No.5.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 23/06/2017

PER COURT :

CIVIL APPLICATION NO.6120 OF 2017

1. The petitioner is granted leave to add the Tahsildar, Sengaon, Dist. Hingoli as respondent No.5. Learned AGP waives service on behalf of the added respondent.

2. Issue raised in this petition is with regard to whether the Tahsildar, Sengaon would have the jurisdiction to decide the matters falling under Section 98 of the Hyderabad Tenancy and Agricultural Lands Act, 1950.

3. This Court had granted interim relief in terms of prayer clause 'C' on 25/06/2014 and as a consequence of which the impugned

judgment of the M.R.T. directing the Tahsildar to decide the proceedings, was stayed. However, as the petition was dismissed in default for not removing the office objections, the interim order stood vacated and it is stated that the said Tahsildar, pursuant to the directions of the M.R.T. has heard the learned Advocates, but is yet to deliver a judgment.

4. In these peculiar circumstances, it appears appropriate that the litigating sides be permitted to raise the issue of jurisdiction by consent before the Tahsildar who will have to deal with the jurisdiction aspect first and then delve upon the merits of the matter in the event he concludes that he has jurisdiction.

5. Considering the above, this civil application is allowed. Delay of 123 is condoned on the condition that the original petitioners pay an amount of Rs.1,000/- to the Advocate Associations' Bar Library, High Court, Aurangabad within a period of two (2) weeks from today.

6. The writ petition, therefore, stands restored by recalling the order dated 23/11/2016.

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7. By consent, the writ petition is disposed of by permitting the litigating sides to appear before the Tahsildar, Sengaon on 28/06/2017 at 3.00 p.m. and submit written notes of submissions with regard to the jurisdiction issue. Learned AGP shall communicate this order to the concerned Tahsildar, Sengaon, Dist.Hingoli. Needless to state, the disposal of this writ petition shall not tantamount to this Court having affirmed the impression of M.R.T. that the Tahsildar would have the jurisdiction u/s 98 of the Act.

(Ravindra V.Ghuge, J.)