

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8365 OF 2016

Kushaba Bala Beldar since deceased
through L.Rs. Vithal Kushaba Beldar
and Ors.

.. Petitioners

-Versus-

State of Maharashtra & Ors.

..Respondents

Mr.V.A.Shastry for petitioners

Mr. Vivek Patil with Shirwadkar & Arjun Pawar for respondent No.3

Mrs. Vaishali Nimbalkar AGP for State.

CORAM : G.S. KULKARNI, J.

DATE : 23rd August 2016.

P.C.

1] Heard learned Counsel for the parties. The challenge in this petition is to an order dated 1st July 2016 whereby the learned Member of Maharashtra Revenue Tribunal (MRT) Pune has directed as under:-

“Thus as the further proceedings in the revision application gets adjourned, there is no reason that this Tribunal should extend the status quo granted earlier on 21/4/2016 which was in force till today.”

2] The submission on behalf of the learned Counsel for the petitioner

is that it was imperative for the learned Member of MRT to continue the earlier protection which was granted till the disposal of the revision application which is posted for hearing on 23rd September 2016. A perusal of the impugned order as noted above does not read very clear and /or the apprehension of the petitioner that the status quo is not extended till the decision on the revision application appears to be quite correct. If the order is to read that the status quo would not continue till the hearing of the revision application on 23rd September 2016, then, surely prejudice would be caused to the petitioner who claims to be in possession of the land in question. If the contesting respondent would succeed in the revision, then, subject to the rights which are available to the petitioners, they can very well assert their rights in respect of the land. However, the fact remains that till the revision application is decided, the petitioner's possession needs to be protected and it was accordingly so done also by the MRT in earlier orders.

3] In view of the above position, this petition need not be kept pending. Admittedly, the revision application is listed for hearing on 23rd September 2016. Interim protection which was granted to the petitioners by the MRT is required to be continued till the revision application is decided. This order shall not in any manner be construed to be any observation on the merits of the matter. All contentions of the parties on

merits are expressly kept open. Petition is accordingly disposed off. Needless to observe that the parties would cooperate with each other in the proceedings before the Tribunal.

(G.S. KULKARNI, J.)