

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 5427 OF 1997

Gena Aba Koli (Since deceased)

through his legal heirs

Shamu Gena Koli and ors.

... Petitioners

vs

Suresh Dhondiba Chougule and ors. ... Respondents

Mr. S.G.Kudle for the Petitioners.

None for the Respondents.

CORAM : M.S.SONAK, J.

DATE : JUNE 23, 2017.

P.C. :

1. This Petition was tagged with Writ Petition No. 2546 of 1998 since, the material facts involved in the two Petitions as well as the issues on law were identical.

2. Upon perusal of the orders made by the Tahsildar (Agricultural Land Tribunal) dated 13th August 1992, the Sub Divisional Officer's (SDO) order dated 27th April 1993 and the Maharashtra Revenue Tribunal (MRT) dated 2nd September

1997 in the present Petition, it is clear that the same are virtually identical, both in reasoning as well as facts to the orders bearing the same dates, which were the subject matter in the connected Writ Petition No. 2546 of 1998.

3. Accordingly, the judgment and order disposing of Writ Petition No. 2546 of 1998 will govern the fate of the present Writ Petition No. 5427 of 1997. The present Writ Petition No. 5427 of 1997 is accordingly disposed of on the terms same as those in judgment and order dated 23rd June 2017 disposing of Writ Petition No. 2546 of 1998.

4. Accordingly, the MRT's judgment and order dated 2nd September 1997 is set aside and the matter is remanded to MRT with a direction to take up and dispose of in accordance with law and on its merits, the Respondents' Revision Petition against SDO's order dated 27th April 1993, as expeditiously as possible and in any case within a period of one year from the date of production of authenticated copy of this judgment and order.

5. The Respondent in the present Petition as well as the connected Writ Petition No. 2546 of 1998 is the same. Directions have already been issued whilst disposing of Writ Petition No. 2546 of 1998 to the Respondent to appear before the MRT on 18th July 2017 at 11 a.m. Similar directions will apply to both the parties in the present Petition as well. In case there is any

difficulty however, the MRT is requested to issue fresh notices to the parties, so that, the matter is heard after afford of due opportunity to the parties concerned.

6. Rule is accordingly disposed of in the aforesaid terms. There shall however be no order as to costs.

7. All concerned to act on the authenticated copy of this order.

(M.S.SONAK, J.)