

Santosh

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 12408 OF 2017**

Gangaram Gopalrao Patil alias Kothawale
(deceased) Through LRs & Ors ...Petitioners
Versus
Narayan Daulat Kothule (deceased) Through LRs
& Ors ...Respondents

**Mr Ranjit Thorat, Senior Advocate, a/w Mr Pradeep Thorat & Ms
Aditi Naikare, for the Petitioners.**
**Mr Rajdeep D Gude, i/b Mr Shantanu Chandratre, for the
Respondents.**

CORAM: G.S. PATEL, J
DATED: 21st November 2017

PC:-

1. Rule.

2. This is an exceptional case that needs to be disposed of immediately. The reason suggests itself, and I can do no better than to Court from the impugned order dated 13th September 2017 of the Maharashtra Review Tribunal (“MRT”).

“8. Thus the order of learned Sub Divisional Officer, Nashik cannot be countenanced & hence cause for interference. The order of learned Tahsildar dated 15/11/2008 for fixing purchase price u/s.32G of Act & that

of learned Sub Divisional Officer, dated 25/3/2015 needs interference, and set aside.

ORDER

1. The order of Learned Tahsildar in terms of Section 70(b) of the tenancy act against the landlord does not call for interference."

(Emphasis added)

3. Obviously these two statements cannot coexist. I do not know whether, according to the MRT, the orders of the Tahasildar and the Sub Divisional Officer do or do not call for interference, or whether they should or should not be set aside.

4. The impugned order of the MRT will have to be quashed. Rule is made absolute. The matter is remanded to the MRT for a decision afresh uninfluenced by any of the observations in the impugned order. All contentions are left open.

5. Consequently, the direction to approach the competent authority to initiate proceedings under Section 32G of the Maharashtra Tenancy and Agricultural Lands Act is also set aside.

6. Any interim order that was continued while the proceedings were pending before the MRT will also continue. The Petition is disposed of and Rule is made absolute in these terms. No costs.

(G. S. PATEL, J.)