

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO. 6275 OF 2016

Kacharu Govardhan Kalwaghe and others	..	Petitioners
Versus		
The State of Maharashtra and others	..	Respondents

Shri. S. S. Kulkarni, Advocate for Petitioners.

Shri. K. N. Lokhande, A.G.P. for Respondent Nos. 1 to 3.

**CORAM : S.V. GANGAPURWALA AND
S. M. GAVHANE, JJ.**

DATED : 18th September, 2018

PER COURT:

. We have heard the learned counsel for the petitioner and the learned Assistant Government Pleader for the respondents. The learned counsel for the petitioner relies on the order passed by this court in Writ Petition No. 6273/2016 dated 18.07.2018.

2. The petitioner is similarly situated. In view of that, we follow the same course.

3. It is pointed out by learned counsel appearing for the petitioner that

in the instant matter decision has been rendered by the Maharashtra Revenue Tribunal on 27.01.2014 much prior to issuance of Corrigendum by the State on 18.09.2015. Thus, it cannot be construed that the decision rendered by the Maharashtra Revenue Tribunal is without jurisdiction. On the date, on which the decision was rendered, the Maharashtra Revenue Tribunal was conferred with appellate powers to decide the appeal and a decision has been rendered in accordance with the provisions, which were applicable at the relevant time. The decision of the State Government recorded in the Corrigendum dated 18.09.2015 cannot be applied retrospectively in respect of the matters which are already disposed of and the orders have attained finality.

4. Reliance placed by the Respondents on the orders passed by this Court in Writ Petition No. 1545/2015 and connected matters is misplaced.

5. For the reasons recorded above, writ petition deserves to be allowed and same is accordingly allowed in terms of prayer clause (B). There shall be no order as to costs.

[S. M. GAVHANE, J.]

ass/wp 6275.16

[S. V. GANGAPURWALA, J.]