IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4973 OF 2017

RNA Corp. Private Limited & Anr. ….. Petitioners

VERSUS

State of Maharashtra & Ors. ….. Respondents

Mr.Y.S.Jahagirdar, Senior Advocate, a/w. Ms.T.Mosin, I/b. ALJ & Partners for the Petitioners.

Ms.Kavita Solunke, A.G.P. for the State – Respondent nos. 1 to 4.

Mr.N.R.Bubna for the Respondent no.5.

Mr.Nimesh Bhatt, I/b. Mehta & Girdharlal for the Respondent no.18.

CORAM : R.D. DHANUKA, J.

DATE : 11th JULY, 2018

P.C.

Mr.Jahagirdar, learned senior counsel for the petitioner invited my attention to the order dated 19th April, 2018 passed by the learned President, Maharashtra Revenue Tribunal, Mumbai in TRB/APL/THN/L-134/2016 filed by the Mira Bhainder Municipal Corporation allowing the said appeal in which Mira Bhainder Municipal Corporation had impugned the same order which has been impugned by the petitioners in this writ petition. In view of this position, this writ petition does not survive and has become infructuous. Writ petition is disposed of as infructuous.

2. The petitioners would be at liberty to file a fresh petition if any fresh order is passed by the learned Tahsildar before whom the proceedings are remanded back by the Maharashtra Revenue Tribunal

if the petitioners are aggrieved. If any jurisdictional issue is raised by any of the party to the said proceedings which are remanded back before the learned Tahsildar by the Maharashtra Revenue Tribunal and more particularly as to whether the order under section 36 of the Maharashtra Land Revenue Code, 1966 can be passed only by the learned Collector or by the learned Tahsildar, the learned Tahsildar shall decide such issue first.

3. All contentions on merits can be decided by the learned Tahsildar pursuant to the said order if he comes to the conclusion that he has jurisdiction to that matter under section 36 of the Maharashtra Land Revenue Code, 1966.

4. Writ petition is disposed of in the aforesaid terms. No order as to costs.

[R.D. DHANUKA, J.]