

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 4835 OF 2016

PETITIONERS :-

1. Vitthal Madhaorao Thakre
Aged about 65 years,
Occupation: Cultivator;
2. Prabhakar Madhaorao Thakre,
Aged about 63 years, Occupation Cultivator
3. Manohar Madhaorao Thakre,
aged about 60 years, Occupation Cultivator.
4. Kishor Madhaorao Thakre,
Aged about 58 years, Occupation Cultivator.
5. Arun Madhaorao Thakre,
Aged about 46 years, Occupation Cultivator.
6. Pravin Madhaorao Thakre,
aged about 42 years, Occupation Cultivator.
7. Smt.Yemunabai Madhaorao Thakre,
aged about 85 years, Occupation
Household.
8. Smt.Aparna Manohar Lonkar,
Aged about 48 years, Occupation Cultivator.

All petitioners are legal heirs of Madhaorao Laxmanrao Thakre, and residents of Rohtek, Tahsil and District Yavatmal.

...VERSUS...

RESPONDENTS :-

1. The State of Maharashtra, through the Revenue and Forest Department, Madam Cama Road, Mantralaya, Mumbai-32.

2. Maharashtra Revenue Tribunal,
Nagpur Bench, Nagpur through its
Registrar, office of M.R.T. Civil Lines,
Nagpur.
3. The State of Maharashtra , through the Sub
Divisional Officer, Yavatmal, District
Yavatmal.
4. Deputy Conservator of Forrest, Yavatmal,
District Yavatmal.

Mr.M.S.Mardikar, learned Sr. Counsel for the petitioners.
Mr.B.M.Lonare, AGP for respondents

CORAM : S.B.SHUKRE, J.

DATE : 23.07.2018.

ORAL JUDGMENT

1. This petition has already been admitted on the question as to whether or not the petitioners are entitled to compensation. While admitting the petition on 28th August 2017, this Court has expressed an opinion that the question of the entitlement to compensation required expeditious consideration looking to the advance age of some of the petitioners. So, matter is taken up for final hearing forthwith by consent of parties.

2. Heard the learned counsel for the petitioners and learned AGP for respondents.

3. Having found that question of entitlement to receive compensation requires consideration, it would necessarily follow that the merits of the appeal preferred by the petitioners before the Maharashtra Revenue Tribunal, Nagpur are also considered by the Maharashtra Revenue Tribunal. But, that would not be possible unless the issue of delay occurred in filing of the appeal is first resolved.

4. Shri. A.S Mardikar learned Sr. counsel for the petitioner submits that one of the reasons for the delay was that the power of attorney constituted by the petitioners did not perform his duty and acted lethargically in establishing communication with the petitioners. The other reason, as submitted by Shri. Mardikar, is that the question of entitlement for its being raised before the appellate forum, also required legal consultation and the petitioners not being experts, required some time in making the consultation and receiving proper instructions.

5. Learned AGP Mr. B.M. Lonare submits that appropriate order in the matter to be passed.

6. Considering the explanation given by the petitioners, which is borne out from the record of the case, I am of view that this explanation discloses sufficient cause. There are no malafides as well .

7. In the result, I find that this writ petition deserves to be allowed and it is allowed accordingly. The impugned order is quashed and set aside. Delay is condoned. The Maharashtra Revenue Tribunal is requested to decide the appeal on merits as expeditiously as possible preferably within three months from the day of appearance of the parties. Parties to appear before the Maharashtra Revenue Tribunal, Nagpur on **3rd September 2018**.

8. Rule is made absolute in view of above terms. No costs.

CIVIL APPLICATION NO. 666 OF 2018

The Civil application is disposed of in terms of the final order.

JUDGE

Kavita