

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 7546 OF 2016

Dnyandeo Tukaram Raghavant	... Petitioner
Versus	
Haribhau Karbhari Andhale and others	... Respondents

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Mr. S. B. Tarde, Advocate for petitioner.
Mr. S. S. Bora, Advocate for respondent Nos. 1 to 3.

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CORAM : M. S. KARNIK, J.

DATED : 20th AUGUST, 2019

PER COURT :-

1. Heard learned counsel for the parties.
2. By this petition, filed under Article 227 of the Constitution of India, the petitioner is challenging the judgment and decree dated 4th March, 2012 in Regular Civil Suit No.233 of 2012 passed by the learned Civil Judge, Junior Division, Parner, in Maha Lokadalat.
3. It is the submission of learned counsel for the petitioner that the decree is passed mechanically on the basis of consent terms filed by the parties. The learned counsel would submit that the petitioner is tribal

and therefore, in view of the Maharashtra Restoration of Lands to Scheduled Tribes Act, 1974 (for short “the said Act) and Section 36A of the Maharashtra Land Revenue Code, the compromise decree is vitiated.

4. There is no dispute that proceedings now have been initiated for restoration of the tribal lands under the provisions of the said Act. As the proceedings have already been initiated under the said Act, the parties would obviously be governed by the orders which may be passed under the said Act. It is made clear that the decree which is passed in terms of the consent terms shall not come in the way of the authorities passing appropriate orders under the Act. The authorities not to be influenced by compromise decree and the consent terms while deciding the application.

5. With these observations, the writ petition is disposed of.

[M. S. KARNIK, J.]

SMS