

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

WRIT PETITION NO.13991 OF 2018

LAKSHMIBAI PANDURANG WAGH
VERSUS
THE STATE OF MAHARASHTRA THROUGH DY. COLLECTOR LAND
REFORM AND OTHERS

...
Advocate for the Petitioner : Shri Dhengle Babasaheb A.
AGP for Respondents 1 to 5 : Shri S.W.Munde.
Advocate for Respondent 6 : Shri Biradar Chandrant D..
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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 12th February, 2019

Per Court:

1 I have heard the learned Advocates for the respective sides and the learned AGP on behalf of Respondent Nos.1 to 5.

2 It appears that both the parties are aggrieved by the impugned order dated 05.10.2018 passed by the learned Maharashtra Revenue Tribunal (MRT), Aurangabad in Revision Petition No.7/B/2016/Jalna. It is contended that even earlier there was a remand order and the impugned order passed by the learned MRT, in the second round of this litigation, is a second remand order. Both the learned Advocates submit that the learned MRT may be requested to decide the

entire issue rather than once again remanding the matter back to the lower authority on the ground that there was no observation about the subjective satisfaction with regard to the conclusions drawn.

3 The learned Advocate for the Petitioner submits that she has been in possession of the land at issue for a long time and there was consistent protection to the Petitioner and status-quo with regard to her possession of the land was maintained in the journey of this litigation.

4 This Court has consistently held in several matters that an order of remand should not be passed merely because the authority concerned finds that there are insufficient reasons. This rule will have to be construed more strictly if the remand order amounts to a remand for the second time.

5 In view of the above, this Writ Petition is partly allowed. The impugned order dated 05.10.2018 passed by the learned MRT is quashed and set aside. Revision Petition No.7/B/2016/Jalna shall stand remitted to the office of the learned MRT, Aurangabad. The litigating sides, who are before this Court, shall appear before the learned MRT on 11.03.2019 at 11:00 am.

6 The learned MRT is requested to consider the entire record and proceedings available and the submissions of the litigating sides and decide the proceedings on merits. It is expected that the learned MRT would decide the said proceedings on or before 31.05.2019.

7 Status-quo in force during the journey of this litigation would
continue till the decision in the said proceedings.

kps

(RAVINDRA V. GHUGE, J.)