IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 32 OF 2019

BHIKAN DAULAT CHAUHARI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS
...
Advocate for Petitioner : Shri Latange V.P.
AGP for Respondents 1 & 2 : Shri Tiwari S.P.
Advocate for Respondent 5 : Shri Patil Paresh B.
...

CORAM : RAVINDRA V. GHUGE, J.
Dated: July 24, 2019
...

PER COURT :-

1. I have heard the learned Advocates for the respective sides.

2. Since I have noticed in large number of cases, that the learned Member (Administrative) Shri Prakash A. Thube, Maharashtra Revenue Tribunal, Aurangabad Bench, Aurangabad has been reserving matters for judgment and delivering judgments after a very long period, that I called upon the learned Advocates for the litigating sides to inform the Court as regards the details of the matter in which, the impugned judgment has been delivered by the said learned Member. It is informed that Case No.63/B/2012/Jalgaon was reserved for judgment on 31.1.2017 and the impugned judgment was delivered on 13.8.2018, which is after a period of 1 year, 6 months and 12 days.

3. In the light of the above, the impugned judgment is quashed and set aside and the said proceeding is remitted to the file of the learned Member (Administrative), MRT, Aurangabad. The litigating sides agree to appear before the said authority on 9.8.2019.

4. The learned Member would allow the litigating sides to re-canvass their final arguments in the matter and such oral submissions shall be concluded on/or before 31.8.2019. The learned Member shall, thereafter, post the matter on 30.9.2019 for pronouncing his judgment and the litigating sides would be obliged to remain present on the said date before the learned Member.

5. Needless to state, the impugned judgment is set aside in view of the law laid down by the Honourable Apex Court in the matter of Bhagwandas Fatechand Daswani and others Vs. HPA International and others [(2000) 2 SCC 13] and Anil Rai Vs. State of Bihar [(2001) 7 SCC 318], as the judgment has been delivered after 18 months.

6. Record and proceedings shall be returned forthwith to the Maharashtra Revenue Tribunal, Aurangabad.

7. The learned Registrar (Judicial) shall place a copy of this order

before the learned Chairman / President, Maharashtra Revenue Tribunal, Mumbai.

(RAVINDRA V. GHUGE, J.)

...

akl/d