

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 11758 OF 2018

Tukaram Matiram Thete & Ors.	...	Petitioners
V/s.		
Nivrutti Namdeo Tambere		
(Since deceased) Through LR's. & Ors.	...	Respondents

Mr.Sachin Gite for Petitioners.
Ms.Gunjan Shah for Respondent Nos.1 to 6.

CORAM : A.S. GADKARI, J.

DATE : 19th July 2019.

P.C. :

1] By the impugned Order dated 10th November 2017 passed by the respondent No.8, the proceedings pertaining to the Mutation Entry No.831 of Village Sadgaon, Taluka and District Nashik is remanded to the Tahsildar Nashik for conducting fresh enquiry. By the impugned Order the respondent No.8 has set-aside all the Orders passed by the Revenue Authorities below him, basically on the ground that the contesting respondents herein were not served with notice of the said proceedings and they were also not heard in the matter. That the

principles of natural justice were not complied with and therefore, the respondent No.8 remanded the said matter back for fresh enquiry pertaining to Mutation Entry No.831 to the Tahsildar, Nashik, as noted above.

2] The learned counsel for the respondents submitted that, after remand, as a matter of fact, on 31st August 2018, the Tahsildar Nashik has already started hearing of the said proceedings and it is only on 19th October 2018 when this Court granted interim relief, the said proceedings are stayed.

The record indicates that on 19th October 2018, the petitioners did not point out the said fact of commencement of proceedings before the Tahsildar Nashik and the hearing by it on 31st August 2018 to this Court.

3] May that as it may, as the Tahsildar, Taluka and District Nashik, has commenced the hearing of the proceedings in furtherance of impugned Order passed by the respondent No.8, I see no reason to interfere with the impugned Order.

4] In view thereof, Petition is disposed off.

5] Ad-interim relief, granted by Order dated 19th October 2018, is hereby vacated.

6] As the revenue proceedings are pertaining to the year 2010, the Tahsildar, Taluka and District Nashik seized of the enquiry pertaining to Mutation Entry No.831 of Village Sadgaon, Taluka and District Nashik, is hereby directed to conclude the said enquiry within a period of six months from the date of receipt of the present Order.

[A.S. GADKARI, J.]