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

WRIT PETITION NO.346 OF 2016

Govind s/o Anandrao Badre, Chandur (Railway) Amravati and ors.
-vs-
The Member, Maharashtra Revenue Tribunal, Nagpur and ors.
WITH
WRIT PETITION NO.1862 OF 2017

Mahadeo s/o Kawaduji Kale, Chandur (Railway) Amravati and ors.
-vs-
Govind s/o Anandrao Badre, Chandur (Railway) Amaravati and ors.

Office notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's Orders.

Shri V. G. Bhamburkar, Advocate for petitioners in W.P.No.346/2016 and for respondent Nos.1 to 4 in W.P.1862/2017.
Shri S. R. Deshpande, Advocate with Shri J. K. Matale, Advocate for respondent Nos.4 & 5 in W.P.No.346/2016 and for petitioners in W.P.1862/2017.
Shri A. V. Palshikar, Assistant Government Pleader for respondent Nos.2 and 3 in W.P.No.346/2016 and respondent Nos.6 and 7 in W.P. No.1862/2017.

CORAM : A.S.CHANDURKAR, J.
DATE : September 19, 2019

Rule. Heard finally with consent of counsel for the parties.

In both the writ petitions the order passed by the Maharashtra Revenue Tribunal dated 13/08/2015 remanding the proceedings to the Tahsildar for fresh adjudication is under challenge. The reason for the order of remand is that the record of the proceedings in

Revenue Case No.5/59(13)/1986-1987 was not available with the Tribunal. Hence the Tribunal could not consider the submissions made on behalf of the parties on the aspect of limitation. For that purpose the proceedings were remanded for fresh adjudication.

2. The order passed by the Maharashtra Revenue Tribunal was initially challenged in Writ Petition No.346 of 2016 that was filed by the legal heirs of Anandrao. In view of that writ petition, the original land owner also challenged the said order by filing Writ Petition No.1862 of 2017.

3. Shri V. G. Bhamburkar, learned counsel for the petitioners in Writ Petition No.346 of 2016 on instructions submits that as the proceedings have been remanded for fresh consideration due to non-availability of records, the Tahsildar can adjudicate all the points as directed. In that backdrop he therefore submits that the petitioners do not desire to pursue the challenge to the order passed by the Maharashtra Revenue Tribunal.

4. In view of that statement, Shri S. R. Deshpande,

learned counsel for the petitioners in Writ Petition No.1862 of 2017 submits that all points that would be raised before the Tahsildar ought to be considered and decided including the point of limitation.

5. In view of aforesaid, the order passed by the Maharashtra Revenue Tribunal dated 13/08/2015 is maintained. The Tahsildar shall decide the proceedings afresh as directed expeditiously by giving opportunity to both the parties. All the points raised are kept open.

Both the writ petitions are disposed of. Rule stands disposed of accordingly with no order as to costs.

JUDGE

Asmita