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

WRIT PETITION NO.7630/2018

Swarupsing S/o Kiratsingh Baghele (Dead) through Legal Representative Namely Sawitabai Swarupsingh Baghele and others
...Versus...
Sau. Sushibai w/o Umedsingh Baghele and others

WITH
WRIT PETITION NO.7631/2018

Swarupsing S/o Kiratsingh Baghele (Dead) through Legal Representative Namely Sawitabai Swarupsingh Baghele and others
...Versus...
Rajendrasingh s/o Umedsingh Baghele and others

WITH
WRIT PETITION NO.7632/2018

Swarupsing S/o Kiratsingh Baghele (Dead) through Legal Representative Namely Sawitabai Swarupsingh Baghele and others
...Versus...
Umedsingh s/o Biharisingh Baghele and others

WITH
WRIT PETITION NO.7636/2018

Swarupsing S/o Kiratsingh Baghele (Dead) through Legal Representative Namely Sawitabai Swarupsingh Baghele and others
...Versus...
Kailashsingh s/o Laxmansingh Baghele and others

Office Notes, Office Memoranda of Coram, appearances, Court's orders of directions and Registrar's orders	Court's or Judge's orders

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Shri R.G. Kavimandan, Counsel for petitioners in all petitions
Shri S.G. Karmarkar, Counsel for respondent no.1 in all petitions
Mrs. H.N. Prabhu, AGP for respondent nos.2 to 4/State in all petitions

<u>CORAM</u> : ARUN D. UPADHYE, J.
<u>DATE</u> : 11/06/2019

1. Heard.

2. The learned Counsel for the petitioners has submitted that the impugned order dated 16/6/2017 passed by the Member, Maharashtra Revenue Tribunal, Nagpur remanding four mattes to the Tahsildar for deciding afresh is contrary to the decision of this Court passed in Writ Petition No.5750/2014 along with other connected matters. He submitted that after remanding the matters, the learned Tahsildar has decided the same. Thus, the present writ petitions survive and cannot be said to be infructuous. He also submitted that the Maharashtra Revenue Tribunal should have decided the matters on merit and remand of the matters is not justified. He, therefore, submitted that the writ petitions be allowed. The impugned order passed by the Maharashtra Revenue Tribunal be set aside and the consequent orders passed by the Tahsildar also be set aside.

3. Learned Counsel for the respondent no.1 has submitted that after remand, the petitioners have participated in the proceedings before Tahsildar and the matters are decided by the Tahsildar on 10/7/2018. He further submitted that the petitioners have also challenged the said order before the Sub Divisional Officer and the same is pending. Therefore, the present writ petitions have become

infructuous and they be dismissed.

4. The learned Assistant Government Pleader for the respondent nos.2 to 4/State supported the submissions made by the learned Counsel for the respondent no.1.

5. After hearing the respective sides and after perusal of record, it appears that after remand of the matters by the Maharashtra Revenue Tribunal, the Tahsildar has decided the matters on 10/7/2018. The said order is placed on record by the respondent no.1. It is also not disputed that these petitioners have assailed the said order before the Sub Divisional Officer and the copy of the appeal memo is also placed on record. If that is so, the writ petitions filed by the petitioners challenging the order of the Maharashtra Revenue Tribunal remanding the matters have become infructuous.

6. The submission put forth on behalf of the petitioners is that these matters cannot be infructuous because the Tahsildar has decided the matters after remand order of Maharashtra Revenue Tribunal. The writ petitions therefore cannot said to be infructuous.

7. The learned Counsel for the petitioners has placed reliance on the judgment of the Hon'ble Supreme Court, reported in ***AIR 1988 Supreme Court 897 (G. Ramegowda, Major etc....Versus...The Special Land Acquisition Officer, Bangalore)***.

8. The decision relied upon by the learned Counsel for the petitioners is not at all applicable to the case at hand

in the facts and circumstances of the case. Moreover, no prejudice would cause to the petitioners particularly when the matter is decided by the Tahsildar after remand as per the directions of the Maharashtra Revenue Tribunal. Moreover, the petitioners have also assailed the said order before the Sub Divisional Officer and the appeal is pending and therefore, there is no merit in the submissions put forth on behalf of the petitioners. The writ petitions are liable to be dismissed. It is made clear that this Court has not recorded any findings on merit of the case. Hence, I proceed to pass the following order.

O R D E R

(i) Writ Petition Nos.7630/2018, 7631/2018, 7632/2018 and 7636/2018 are hereby dismissed.

(ii) The civil applications, if any, shall stand disposed of accordingly.

(iii) No order as to costs.

JUDGE