

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

WRIT PETITION NO. 2112 OF 2020

PRASAD ZUMBERLAL FIRODIYA THROUGH LRS
JAYASHRI PRAMODFIRODIYA AND OTHERS
VERSUS
LAXMAN RAMBHAU SHELKE AND OTHERS

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Advocate for the Petitioners : Shri S. S. Kulkarni
AGP for Respondent - State : Shri S. K. Tambe
Advocate for Respondent Nos. 1 to 8 : Shri A. K. Gawali

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CORAM : RAVINDRA V. GHUGE, J.

DATED : 24th FEBRUARY, 2020

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PER COURT :

1. I have heard the learned Advocates for the respective sides. The impugned order is dated 12/07/2019 passed by the learned Member of the MRT (Shri Prakash Thube) in proceeding No. 1/B/2016/Ahmednagar. The said Member of the MRT had reserved the proceedings for judgment on 26/03/2018. The impugned judgment has been delivered, reportedly on the last date of his tenure, while keeping the proceedings closed for judgment for almost 16 months.

2. This Court has issued directions to the learned Chairman of the learned MRT, Maharashtra to cause an enquiry into the conduct of the learned Member Shri Prakash Thube and submit a report as regards matters reserved for judgment. A detailed report was submitted to this Court which is presently preserved by the learned Registrar (Judicial) of this Court and it was found that the said Member Shri Thube has delivered several hundreds of judgments and especially in the last 12 days prior to his retirement, after reserving such cases for months / years, together. It is reported that large number of judgments / orders were pronounced in a hurried manner on the last date of his tenure.

3. It is informed that after this Court passed certain orders causing an enquiry into the manner of functioning of Shri Thube, he tendered a resignation to the State of Maharashtra, which had granted him an extension of two years. The resignation is dated 22/11/2019 and the State Government is yet to take a decision. The learned Government Pleader, alongwith

the learned AGP, submits that as the State Legislative Assembly is in Session, a decision would be taken within two weeks from today. He, however, clarifies that the said Shri Thube has stopped functioning from the date of his resignation.

4. Considering the above, this petition is partly allowed only in view of the above stated circumstances. The impugned judgment dated 12/07/2019 is quashed and set aside and the proceeding No. 1/B/2016/Ahmednagar shall stand remitted to the office of the learned MRT at Aurangabad. This matter would be listed on the daily board before the learned Chairman of MRT, on 23/03/2020 at Aurangabad. All the litigating parties shall appear before the said Tribunal on the said date and no formal notices are necessary. They would abide by the dates of hearing on which the matter would be posted. The learned Chairperson shall decide the said proceedings on its merits as expeditiously as possible and preferably, on or before 31/07/2020.

5. In the event, any new administrative member, and not Shri Prakash A. Thube, is appointed by the State Government, the learned Chairperson would be at liberty to allocate this matter to the said learned Member.

6. The litigating sides have consented to maintain *status-quo* with regard to the suit properties till the said proceedings are decided.

7. The authenticated copy of this order be supplied to Shri S. K. Tambe, the learned AGP.

(RAVINDRA V. GHUGE, J.)

shp/-