

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

WRIT PETITION NO. 5804 OF 2016

(Shri Pravin s/o.Bhaiyalalji Bhade..vs.. Tahsildar, Tah. Selu & Ors)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Shri G.G. Mishra, Advocate for petitioner.
Shri A.A. Madiwale, AGP for respondent Nos. 1 & 2.

CORAM: RAVINDRA V. GHUGE, J.

DATE: 3rd JANUARY, 2020.

1. Vide order dated 4.10.2016, which was passed after hearing the learned senior Advocate for the petitioner and the learned A.G.P., this petition was directed to be heard along with Writ Petition No. 6986 of 2015 (Anil Laxmanrao Jagtap ..vs.. State of Maharashtra through its Collector, Wardha and Ors.) and two other petitions. The office was directed by this Court to seek appropriate orders for placing this matter along with the matters before the learned Division Bench.

2. The learned Advocate for the petitioner and the learned A.G.P. submit that, for reasons unknown to them, the office failed to take steps. It is however, informed, by placing a copy of the order dated 19.6.2018 passed by the learned Division Bench, before this Court that Writ Petition Nos 6986 of 2015 with 2048 of 2016 and 707 of 2018, have been decided and specific directions have been issued under

paragraph 7. It is stated by the learned Advocate for the petitioner that the directions set out in paragraph 7 by the learned Division Bench, can be made applicable even to this petition and this petition can therefore be disposed off in terms thereof.

3. The learned A.G.P. submits that the statement of the learned Advocate for the petitioner may be recorded and an appropriate order can be passed.

4. In view of the above, I am reproducing the directions issued by the learned Division Bench in paragraph 7 of its order dated 19.6.2018 in the above mentioned three petitions, as under:

“7.Considering the nature of controversy and the fact that the matters are pending since 2015, and the agriculturists and the Bank of India are pressing for recovery of their amounts, we are of the view that the following order would sub serve the ends of justice:

(i) Ginning and Pressing Factorypetitioner in Writ Petition No.6986/2015 is granted time till 20.08.2018 to take necessary steps to see that the proposal floated by it for acquisition of survey nos.66, 67 and 68 situated at Sindhi Railway is taken to its logical end and the amount is deposited with the concerned till that date.

(ii) If the amount receivable by the concerned agriculturists and Bank of India is not paid/deposited till 20.08.2018, the agriculturists and the Bank of India would be free to proceed in the matter and take appropriate steps, according to law.

(iii) Bank of India will be free to proceed and take appropriate action according to law, in respect of survey nos.149, 150 and 151 situated at Dhanoli (Meghe) and survey no.66 and 67 situated at Sindhi Railway which, undisputedly, are mortgaged/hypothecated with it.

(iv) Similarly, if amount is not deposited/paid, the concerned agriculturists would be free to pursue the matter with the revenue authorities and if the amount is not paid/deposited till 20.08.2018, the Tahsildar or the concerned revenue authority would be free to proceed with auction of the properties excepting those which are mortgaged and/or hypothecated with the Bank of India.

(v) The solvency certificate submitted by the petitioner is accepted and it shall continue to be in force till the amount recoverable from the Ginning and Pressing Factory is deposited/paid to the concerned.

(vi) The writ petitions are disposed in the above terms. The parties to bear their own costs.

All the pending civil applications are disposed of.”

5. In view of the above, this petition stands disposed off in terms of the above reproduced directions, considering the statement of the petitioner.

(RAVINDRA V. GHUGE, J.)