

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

WRIT PETITION NO.7868 OF 2018

Shantaram s/o Tukaram Daterao and others

...Versus...

Suresh s/o Baliram Daterao

WTH

WRIT PETITION NO.2162 OF 2018

Suresh s/o Baliram Daterao

...Versus...

Shri Shantaram s/o Tukaram Daterao and others

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

Court's or Judge's orders

Shri S.R. Deshpande, Counsel for petitioner in W.P. No.7868/2018
Shri J.J. Chandurkar, Counsel for respondent in W.P. No.7868/2018
Shri J.J. Chandurkar, Counsel for petitioner in W.P. No.2162/2018
Shri S.R. Deshpande, Counsel for respondent Nos.1, 2(i), 2 (ii), 2 (iii), (iv) & (v), 3
in W.P. No.2162/2018

CORAM : AVINASH G. GHAROTE, J.

DATE : 04.03.2020

1. The order passed by the Maharashtra Revenue Tribunal, Nagpur dated 16.02.2018, is challenged, on the ground that the order of remand, as directed, suffers from illegality inasmuch as, instead of remanding the same, since the entire record was available with the Maharashtra Revenue Tribunal, and the issue involved, was the legality of the application, as filed by the respondent/Suresh Daterao, for

deleting the entry in the name of Shantaram, in the revenue records, the same ought to have been decided by the Maharashtra Revenue Tribunal, instead of sending the matter back to the Tahsildar.

2. It is a matter of record, that an order of remand, results in huge wastage of time, requiring the parties to re-agitate the issue right from the beginning. In the instant case, when the entire record was before Maharashtra Revenue Tribunal, it ought to have decided the matter on merits instead of remanding the matter back to the Tahsildar. The order passed by the Maharashtra Revenue Tribunal, therefore, is set aside and the Maharashtra Revenue Tribunal is directed to decide the revision on its own merits, within a period of six months from today.

The writ petitions are accordingly disposed of in the above terms. No order as to costs.

JUDGE