

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.2299 OF 2020

AKHILESH CHANDRA TRIPATHI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Mr.Sanket S.Kulkarni, Advocate for the petitioner.
Mr.P.S.Patil, AGP for respondent Nos. 1 to 4.
Mr.N.B.Khandare, Spl.Counsel for respondent No.5.

(CORAM : RAVINDRA V. GHUGE &
S.G. MEHARE, JJ)

DATE : OCTOBER 8, 2021

PER COURT :

1. This petition has been filed by a practicing Advocate, whose area of practice is in the Maharashtra Revenue Tribunal and similar forum. By this petition, the petitioner has put forth prayer clause "A" to "F" as under :-

"A. By issuing appropriate writ, order and direction, direct the respondent no.3 and 4 to submit a status report of requirement of staff, facilities and infrastructure required for efficient running of Maharashtra Revenue Tribunal at Aurangabad.

B. By issuing appropriate writ, order and direction, direct the respondent No.1 and 2 to appoint Judicial Member and

Administrative Member at Maharashtra Revenue Tribunal, Aurangabad, in a expeditious manner and in any case within a period of 8 weeks from today.

C. By issuing appropriate writ, order and direction, direct the respondent No.1 and 2 to appoint special Government Pleader and Maharashtra Revenue Tribunal, Aurangabad in a expeditious manner and in any case within a period of 8 weeks from today.

D. By issuing appropriate writ, order and direction, direct the respondents to enable the website of Maharashtra Revenue Tribunal and to upload and display status of cases, upload final order, upload the daily orders passed in the proceedings in a expeditious manner.

E. By issuing appropriate writ, order and direction, direct the respondents to make an arrangement to serve notices as per the direction given by this Hon'ble Court in CA/2041/2018 in WP/7504/2015.

F. By issuing appropriate writ, order and direction, direct the respondent No.1 and 2 to provide adequate staff and infrastructural facilities at Maharashtra Revenue Tribunal, Aurangabad expeditiously and in any case within a period of 8 weeks from today."

2. The learned AGP has placed before us a document dated 05/10/2021 addressed by the Desk Officer, Revenue and Forest Department to the Registrar, Maharashtra Revenue Tribunal at Mumbai.

The same is marked as X-2 for identification. The Desk Officer has informed the Registrar that appropriate steps should be initiated for uploading the orders of the Tribunal at all locations on its official website by adopting appropriate procedure. We, therefore, expect the Registrar of the Maharashtra Revenue Tribunal to expeditiously adopt the necessary steps for ensuring that the orders of the Tribunal at all its Benches, are uploaded on its official website.

3. The learned AGP has placed before us a communication dated 09/08/2021 addressed by the Desk Officer, Revenue and Forest Department to Shri D.A.Dholkia, Retired Principal District Judge, Nanded. The same is marked as X-3 for identification. Vide the said communication, the Desk Officer has referred to a personal request letter dated 18/06/2020 that was authored by Shri Dholkia in which he has requested the Revenue and Forest Department, Mantralaya, Mumbai for an appointment as Member (Judicial) on the Maharashtra Revenue Tribunal, Bench at Aurangabad. By the document X-3, the Desk Officer has informed Shri Dholkia that he cannot be appointed as a Member (Judicial) on the Tribunal as his name has not been recommended by the Bombay High Court.

4. The learned AGP submits that the procedure adopted by the Revenue Department, while filling in the positions of the Tribunal at its Principal Seat and various benches, is such that the Department sends a requisition letter to the High Court indicating the vacancies and requesting for recommendations. After receiving recommendations from the High Court, the Revenue Department then initiates the process for making appointments. He submits on instructions that there may be instances when retired Judicial Officers may have directly approached the Revenue Departments. However, the Department follows the above procedure while making the appointments.

5. As such, we direct respondent No.1 to follow the due procedure and intimate the High Court through respondent No.5 as regards the vacancies of the Members (Judicial) with the Maharashtra Revenue Tribunal at the Principal Seat as well as its Benches so as to request the High Court for forwarding recommendations of retired Judicial Officers. We expect such requisition letter to be sent on or before 30/10/2021.

6. The learned Counsel representing the Registrar General of the Bombay High Court submits that he would convey the request for

soliciting recommendations so as to fill in the positions of Member, Judicial with the Tribunal at the Principal Seat as well as it's Benches.

7. In so far as the Administrative Member of the Tribunal are concerned, the petitioner informs us that the Aurangabad Bench is practically empty. The present chair person of the Tribunal visits Aurangabad for a week, normally in each month. And after conducting the hearing, he returns back to Mumbai. As such, we direct respondent No.1 to initiate appropriate steps in accordance with the procedure applicable so as to fill in the positions of member (Administrative) of the Tribunal at the Principal Seat as well as it's Benches and ensure that such appointments are made on or before 31/12/2021.

8. The learned AGP places before us a communication dated 06/10/2021 from the Desk Officer, Revenue and Forest Department addressed to him. The same is marked as X-4 for identification. Vide the said communication, the Desk Officer has informed the learned AGP that a retired District Judge Shri.O.K.Bhutada was recommended by the High Court and he has been appointed as Member (Judicial) at the Nagpur Bench of the Tribunal. Shri D.A.Dholakia has not been

appointed by respondent No.1 as his name was not recommended. He is also informed that the Revenue Department has requested the Department of Law and Judiciary for appointing Government Pleaders / Special Counsel/Presenting Officers to represent the Government before the Tribunal. In this context, we direct respondent No.2 to initiate appropriate steps, expeditiously so as to ensure that such counsel are appointed at the Principal Seat and the Benches of the Tribunal, expeditiously and in any case on or before 31/01/2022.

9. We also deem it appropriate to direct respondent No.1 to either appoint or depute ministerial staff and provide necessary infrastructure at the Principal Seat and all Benches of the Tribunal. Vacancies of such staff shall be filled in, as expeditiously as possible and preferably on or before 31/01/2021. Similarly infrastructural facilities shall be made available expeditiously.

10. In view of the above, this petition is disposed off, of course with the liberty that if the petitioner notices certain deficiencies, he may take recourse to the remedy, as is permissible in Law. We direct the learned Registrar (Judicial) of this Court to place the copy of this order before

the learned Registrar General so as to be placed before The Hon'ble The Chief Justice, Bombay High Court, for His Kind perusal.

(S.G. MEHARE, J.)

(RAVINDRA V. GHUGE, J.)