

Urmila Ingale

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 2112 OF 2021

Vasantdada Banduji Patil Trust & ors.Petitioners
Vs.
Shri Kashinath Tukaram Gurav and ors. Respondents

Mr.Tejpai S.Ingale, for the Petitioners.
Mr.Shriniwas S.Patwardhan i/b Mr.B.R. Mandlik, for Respondents
No. 1, 2, 5, 7, 9 to 11.
Mr.S.D. Rayrikar, AGP for the Respondent No.12 - State.

CORAM : M. S.KARNIK, J.

DATE : 14th JULY, 2021

P.C. :

. Heard learned Counsel for the Petitioners, Shri Ingale,
learned Counsel, Shri Patwardhan appearing for Respondents No.
1, 2, 5, 7 & 9 to 11 and learned AGP appearing for Respondents
No. 12.

2. Learned Counsel for the Petitioners has filed affidavit
of service on 17/06/2021. This Court on 23/06/2021 passed the
following order, the relevant portion of which reads thus :

"2. It can be inferred from the record, rightly so, in the impugned order that Respondent no.1 was neither put to notice nor he was heard before an order under Section 63 of the Maharashtra Tenancy and Agricultural Lands Act, 1948 was passed.

3. In that view of the matter, Shri Ingale, learned counsel for the Petitioner seeks time to take instructions as to whether Petitioner - Trust is willing to appear before Sub-Divisional Officer in proceedings under Section 63 of the said Act which can be decided afresh after hearing Respondent no.1 in the matter. "

3. Shri Ingale submits that he has instructions from the Petitioner - Trust that they are willing to appear before Sub-Divisional Officer (for short 'SDO') in the proceedings under Section 63 which can be decided afresh after hearing Respondent No.1 in the matter. Respondent No.1 is represented by Shri Patwardhan.

4. In this view of the matter, the impugned order passed by Maharashtra Revenue Tribunal as well as the one passed by the SDO are set aside. The Petitioners as well as the Respondents to appear before the SDO on 20/07/2021 when the SDO may fix further schedule of hearing. The SDO to decide the proceedings afresh after hearing all concerned in accordance with law. The SDO to decide the application within a period of 3

months from 20/07/2021 on which date the parties will appear and produce the copy of this order.

5. Writ Petition is disposed of.

(M.S.KARNIK, J.)