

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

CIVIL APPLICATION (W) NO.1140/2020 IN WRIT PETITION NO.5731/2015(D)

Bapuji Jaganna Bhoyar (dead) through Legal Heirs Smt. Radhbai B. Bhoyar and
ors.

Vs.

Presiding Officer/member, Maharashtra Revenue Tribunal, Nagpur and 13 others.

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

Court's or Judge's Order

Shri M.P.Kariya, Advocate for applicants.

Mrs. Sangeeta Jachak, Assistant Government Pleader for non-applicant nos. 1 to 4.

Shri Nitin Jachak, Advocate for non-applicant nos.6 to 14.

CORAM :- A.S.CHANDURKAR, J.

DATED :- AUGUST 13, 2021.

The applicants seek clarification of the judgment dated 12.04.2018 passed in Writ Petition No.5731/2015. According to the learned counsel for the applicants since on 07.12.2007 the Tahsildar had directed the respondents to pay the arrears of annual rent as well as the expenses of the proceedings within 90 days and on failure to do so, it was declared that the tenancy of the respondents would come to an end. According to him, as it was held in Writ Petition No.5731/2015 that the order passed by the Tahsildar dated 07.12.2007 stood confirmed, the entire order passed by the Tahsildar stood restored. This aspect be clarified in the said judgment.

In Writ Petition No.5731/2015 the order passed by the Maharashtra Revenue Tribunal was under challenge. By that order the Maharashtra Revenue Tribunal confirmed the order dated 07.12.2007 passed by the Tahsildar to the extent there was a direction to pay arrears of the rent. Rest of the order passed by the Tahsildar was set aside. The directions that the amount of arrears be recovered from the present applicants and after depositing the same the purchase price of the lands was to be determined were set aside.

While deciding the aforesaid writ petition, the following operative order was passed :

(i) The order passed by the Maharashtra Revenue Tribunal in Revision No. REV/TNC/CHA-10/2015(TEEN-B-48/2011) to the extent it has confirmed the order passed by the Tahsildar dated 07.12.2007 stands confirmed. The further direction given to the Tahsildar for determining the purchase price is set aside.”

(ii) Writ Petition is partly allowed in aforesaid terms with no order as to costs.

From the aforesaid it is clear that the order passed by the Maharashtra Revenue Tribunal only to the extent it had confirmed the order passed by the Tahsildar was upheld. In other words, the order passed by the Tahsildar to the extent the arrears of actual rent were directed to be paid was confirmed.

In that view of the matter, the entire order passed by the Tahsildar dated 07.12.2007 cannot be said to have revived as sought to be urged by the applicants. Hence there is no need for clarification of the said order. The civil application is accordingly dismissed.

JUDGE

Andurkar.