

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**WRIT PETITION NO.9642 of 2021
WITH
CIVIL APPLICATION NO.7690 OF 2022
IN WP/9642/2021
WITH
CIVIL APPLICATION NO.3869 OF 2022
IN WP/9642/2021**

**SURAJBAI KACHRULAL ABAD
VERSUS
THE STATE OF MAHARASHTRA, THROUGH DEPARTMENT OF
REVENUE AND FOREST AND OTHERS**

...
Advocate for Applicant : Mr.Devdatt P. Palodkar
GP for Respondent Nos.1 & 2 : Mr.D.R.Kale
Advocate for Respondent No.3 : Mr.R.S.Deshmukh, Senior
Counsel a/w. Mr.D.R.Deshmukh i/b. Mr.Kunal Kale
...

**CORAM : RAVINDRA V. GHUGE &
SANDIPKUMAR C. MORE, JJ.**

DATE : 8th June, 2022

PER COURT:-

1. We have considered the submissions of the learned Advocates appearing for the parties. Respondent No.3 has also caused an appearance through a Senior Advocate.

2. The learned Advocate for the petitioner submits that as the proceedings before the Tahsildar, Jalna bearing No. प्र.क्र.जा.क्र. 2020/क्षेत्र दुरुस्ती/सी आर/19/2020 are pending and an application

filed on 9th August, 2021, requesting the Tahsildar to close the file in the light of the earlier several rounds of litigation is pending, the interest of the petitioner would be safeguarded, if the Tahsildar is directed to decide that application. It is informed by the learned Advocates for the respective parties that final arguments in the matter before the Tahsildar, Jalna was concluded yesterday. The date of pronouncement of the order is not notified to the parties.

3. The contention of the petitioner is that there have been several rounds of litigation between the deceased husband of the petitioner and the respondents. Due to the passing away of her husband, she is facing litigation initiated by the respondents. She is around 88 years of age and is represented through a General Power of Attorney holder, who is her grandson. Considering the earlier rounds of litigation, the petitioner contends that fresh proceedings initiated before the Tahsildar under Section 247 of the Maharashtra Land Revenue Code, is a repetition of the proceedings and duplicity of proceedings. Hence, by application filed on 9th August, 2021, the petitioner requested the Tahsildar to close the proceedings considering the earlier adjudication by several Courts.

4. The respondents have no objection, if the said pending application is decided by the Tahsildar. Written notes of submissions may also permitted to be filed within two weeks.

5. In view of the above, this petition is disposed off with the following directions :

(A) All the parties are put to notice that they would tender their written notes of submissions on the application filed on 9th August, 2021 by the present petitioner, on 17th June, 2022 by remaining present before the Tahsildar, Jalna at 03:00 p.m.

(B) The Tahsildar, Jalna shall accept the written notes of submissions and thereafter, close the file for passing an order.

(C) While dealing with the matter, the Tahsildar, Jalna shall decide the application filed by the petitioner dated 9th August, 2021 and if he concludes that the proceedings before him in प्र. क.जा.क.2020/क्षेत्र दुरुस्ती/सी आर/19/2020 needs to be closed in view of the earlier pronouncements of various Courts, he need not deal with the merits of the claim put-forth by the applicant/petitioner before him and can pass an order.

(D) If the Tahsildar, Jalna concludes that the application dated 9th August, 2021, filed by the present petitioner is without merit, he may thereafter, deal with the pending proceeding before him on it's merits.

(E) The Tahsildar, Jalna shall post the matter on 8th July, 2022 for pronouncing his order at 03:00 p.m. and the copies of the order shall be kept ready to be supplied to the litigating parties on payment of requisite fees.

(F) Pending civil applications stand disposed off.

(**SANDIPKUMAR C. MORE**)
JUDGE

(**RAVINDRA V. GHUGE**)
JUDGE