

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

WRIT PETITION NO. 224 OF 2022

1. Smt. Shakuntala wd/o Kisan Karale,
aged 69 years, Occ. Cultivator,
2. Tulsidas s/o Kisan @ Yadev Karale,
aged 54 years, Occ. Cultivator,
3. Manohar s/o Kisan @ Yadev Karale,
aged 64 years, Occ. Cultivator,
4. Balkrushna s/o Shrawan Bute, dead
through legal heir Satish Balkrushna Bute,
aged 40 years, Occ. Cultivator,
5. Tukaram s/o Shrawan Bute,
aged 69 years, Occ. Cultivator
6. Yuvraj s/o Wasudeo Sonare,
aged 54 years, Occ. Cultivator,
7. Smt. Gitabai wd/o Gangadhar Sonare,
aged 69 years, Occ. Cultivator,
8. Pundlik s/o Gangadhar Sonare,
aged 54 years, Occ. Cultivator,
9. Prabhakar s/o Gangadhar Sonare,
aged 51 years, Occ. Cultivator,
10. Gendsing S/o Pundlik Tayade,
aged 74 years, Occ. Cultivator,
11. Prasadsing s/o Pundlik Tayade,
aged 61 years, Occ. Cultivator,
12. Ravindra s/o Pundlik Tayade,
aged 61 years, Occ. Cultivator,
13. Balkrushna s/o Shrawan Bute dead
through legal heir,

Mahendra Uttam Tayde
aged 50 years, Occ. Cultivator

Petitioner No.1 to 13 R/o Gadgaon, Tq.

Warud, Dist. Amravati

14. Smt. Chandrakala Ganpat Talhande,
aged 74 years, Occ. Cultivator
15. Subhash s/o Ganpat Talhande,
aged 61 years, Occ. Cultivator
16. Sunil s/o Ganpat Talhande,
aged 54 years, Occ. Cultivator

Petitioner No.14 to 16 R/o Waghale, Tq.
Warud, Distt. Amravati.

.... **PETITIONERS**

// **VERSUS** //

1. Shri Balasaheb Sansthan Waghale, through
its Executive Trustee, Gulabrao Bhanaji
Langapure, R/o Waghale, Tq. Warud, Dist.
Amravati.
2. The Sub-Divisional Officer, Morshi, Tq.
Morshi, Distt. Amravati.
3. The Maharashtra Revenue Tribunal, Bench
at Nagpur, Civil Lines, Nagpur.

.... **RESPONDENTS**

Shri C.A. Babrekar, Advocate for the petitioners.
Shri Manoj Kumar Mishra, Advocate for respondent no.1.
Mrs. T.H. Khan, A.G.P. for respondent no.2.

CORAM : ROHIT B. DEO, J.
DATED : 03/02/2022.

ORAL JUDGMENT :

Hearing was conducted through Video Conferencing.

2. Heard Mr. C.A. Babrekar, learned Counsel for the petitioners.

3. Mr. Manoj Sharma learned Counsel appears *suo-moto* on behalf of respondent 1 and waives service.

4. Learned A.G.P. Mrs.T.H. Khan, waives service for respondents 2 and 3.

5. With consent, the petition is finally heard.

6. One of the submission of the learned Counsel Mr. Babrekar is that there is absolutely no consideration by the Maharashtra Revenue Tribunal of the ground that as on the tillers date, the respondent 1 Trust was not in existence and was not the owner of the agricultural land which the exemption certificate under Section 129(b) of the Bombay Tenancy and Agricultural Lands (Vidarbha Region) Act 1958, is issued.

7. Having scrutinized the judgment of the learned Maharashtra Revenue Tribunal, I find substance in the submission canvassed by Mr. Babrekar. The judgment impugned is extremely cryptic and the principal challenge has not been considered at all.

8. In this view of the matter, there is no option but to remit the matter to the learned Maharashtra Revenue Tribunal for fresh decision in accordance with law. It is made clear that other submissions are also canvassed by the learned Counsel Mr. Babrekar, which need not be touched.

9. Since I am remanding the matter to the learned Maharashtra Revenue Tribunal, it is clarified that all questions and contentions on behalf

of the petitioners are in rebuttal thereof, are left expressly open.

10. The learned Maharashtra Revenue Tribunal is requested to decide the revision as expeditiously as possible and in any event within the next three months.

11. The interim order which was operating shall continue to operate till final decision in the revision.

12. The Writ Petition is allowed in the afore-stated terms.

JUDGE

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