



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

WRIT PETITION NO. 3450 OF 2022

(ARYA PRATINIDHI SABHA MADHYAPRADESH AND VIDARBHA THR. ITS PRESIDENT..VS..
GANESH SHIVLING SATHALE & OTH.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri S.D.Abhyankar, Advocate for Petitioner.
Shri Sachin S. Deshpande, Advocate for Respondent Nos.3 to 10.
Shri Ambrish Joshi, A.G.P. for Respondent Nos.11 & 12.

CORAM : ANIL S. KILOR, J.
DATED : OCTOBER 18, 2023.

1. Heard.
2. The order dated 14/12/2021 passed by the Maharashtra Revenue Tribunal in Revision No. REV/TNC/AMR-47/2021 allowing the revision and setting aside the order dated 02/06/2020 passed by the Sub-Divisional Officer and also the order dated 14/09/2018 passed by the Tahsildar, is under challenge in this writ petition.
3. Shri Abhyankar, learned counsel for the petitioner points out that before passing the impugned order no hearing was granted to the petitioner and even the written notes of argument, placed on record, were not considered and discussed by the learned Tribunal.

4. On the other hand, Shri S.S.Deshpande, learned counsel for the respondent Nos.3 to 10 and the learned A.G.P. for the respondent Nos.11 and 12 support the impugned order and pray for dismissal of the present writ petition.

5. In light of the rival contentions, I have perused the record and the impugned order.

6. The petitioner has placed on record the order-sheet of the Tribunal from which it is apparent that on 14/12/2021 the petitioner filed written notes of argument on record and on the same day the impugned order came to be passed. In the order it is mentioned that the parties were heard. However, even if it is considered that the petitioner was heard, it appears that the points raised in the written notes of argument have not been considered by the Tribunal.

7. In the circumstances, I am of the opinion that as the Tribunal failed to deal with the points raised by the petitioner in the written notes of argument, the matter needs to be remanded back to the learned Tribunal to decide the revision application afresh after hearing both the parties.

8. Accordingly, I pass the following order:

- i) The Writ Petition is partly allowed.
- ii) The impugned order dated 14/12/2021 passed by Member, Maharashtra Revenue Tribunal, Nagpur in Revenue Case No. REV/TNC/AMR/47/20-21 is hereby quashed and set aside.
- iii) The Revision Application is restored to its file.
- iv) The Maharashtra Revenue Tribunal, Nagpur is directed to decide the Revision Application within three months from the date of appearance of the parties, after hearing the parties.
- v) The parties shall appear before the Tribunal on 01/11/2023 at 11:00 a.m.

The Writ Petition is **disposed of** accordingly. No order as to costs.

JUDGE