



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

WRIT PETITION NO.2840 OF 2018

Ram S/o Baburao Babar and others .Vs. Shri Dhankeshwar Sansthan, through
President Gopaldas Onkarmal Agrawal and others

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

Court's or Judge's Order

Shri J.B. Kasat, Advocate for petitioner No.1.

Shri S.A. Ashirgade, A.G.P. for respondent Nos.12 and 13/State.

CORAM : ANIL S. KILOR, J.

DATED : 28/11/2023

1. Heard Shri Kasat, learned counsel for the petitioner No.1 and Shri Ashirgade, learned A.G.P. for the respondent Nos.12 and 13/State. None for the respondent Nos.2 to 11 though served.

2. In the present matter, after remand by this Court directing the Sub-Divisional Officer to decide the matter afresh filed by the landlord (public trust) under Section 120(C) of the Maharashtra Tenancy and agricultural lands (Vidarbha Region) Act, 1958 (for short "Act of 1958") seeking summary eviction of the tenants from the agricultural lands, the Sub-Divisional Officer passed the order allowing the application which was the subject matter of challenge before the Maharashtra Revenue Tribunal.

3. Since the Sub-Divisional Officer directed the petitioner to hand over the possession, an application for

stay was moved before the Maharashtra Revenue Tribunal. Nonetheless, the learned tribunal proceeded with the matter discarding the prayer for stay, and therefore, this petition was filed.

4. This Court on 17.05.2018 granted *ad-interim* stay in term of prayer clause 2, which read thus:

“2) stay the effect and operation of taking possession during pendency of the revision bearing No.Rev./TNC-Yat./34//2018 arising out the order passed by the Sub-Divisional Officer in Rev. Case No.01/TNC-59(13)120/2016-17 of Mouja Pardi, Tq. Pusad; Dist. Yavatmal, Dt.31/03/2018.”

5. From the above referred facts, it is evident that, the revision is pending before the Maharashtra Revenue Tribunal and stay to the possession is in operation from last more than five years. In that view of the matter, I am of the opinion that, the purpose would be served if the Maharashtra Revenue Tribunal is directed to decide the revision expeditiously and till then, the interim order granted by this Court would continue. Accordingly, I pass the following order:

- i) The writ petition is **disposed of** with direction to the Maharashtra Revenue Tribunal to decide the revision expeditiously and in any case,

within **three months** from today after hearing both the parties.

- ii) In the meantime, till the final disposal of the revision the stay granted by this Court vide order dated 17.05.2018 shall continue.

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

JUDGE