

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

WRIT PETITION NO.3265 OF 2018

[Mahadeo Rajeshwar Mohitkar .vs. Moreshwar Dashrath Shedmake and others]

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

Court's or Judge's orders

 Shri Anil A. Dhawas, Advocate for the petitioner,
 Shri S.K. Bhoyar, Advocate for respondent nos.1 and 2,
 Ms. H.N. Jaipurkar, AGP for respondent nos.3 to 5.

CORAM : ANIL S. KILOR, J.

DATE : 18th JULY, 2023.

In a proceeding under the Maharashtra Restoration of Lands to Scheduled Tribes Act, 1974, the Sub-Divisional Officer, Rajura, District-Chandrapur passed an order on 19.04.2018 directing the Tahsildar to hand over the possession of the land in question after taking the same from the petitioner, to the respondent nos.1 and 2.

2. Thereupon, the appeal was filed before the Maharashtra Revenue Tribunal at Nagpur along with application for stay, which came to be rejected, vide order dated 13.06.2018. The same is under challenge in this writ petition.

3. This court, vide order dated 15.06.2018, granted ad-interim relief in favour of the petitioner and thereby stayed the effect and operation of order dated 19.04.2018 passed by the Sub-Divisional Officer, Rajura.

4. Thus, from last five years the stay is operating in favour of the petitioner and at the same time the appeal is pending before the Maharashtra Revenue Tribunal.

5. Considering the above referred facts, I am of the opinion that the ends of justice would be subserved if the present writ petition is disposed of with directions to the Maharashtra Revenue Tribunal to decide the appeal expeditiously and till then by continuing interim protection granted in favour of the petitioner.

6. Both the parties are agreeable to this arrangement. Accordingly, I pass the following order :

ORDER

- (i) The writ petition is disposed of.
- (ii) The learned Maharashtra Revenue Tribunal is directed to decide the appeal bearing Case No.11/LND 31/2016-17 expeditiously and in any case, within four months from today.
- (iii) It is made clear that interim protection granted by this Court in favour of the petitioner, vide order dated 15.06.2018, shall continue, till the decision by Maharashtra Revenue Tribunal.

(ANIL S. KILOR, J.)

Gulande

Signed By: ABHIMANYU
SHANKARRAO GULANDE
Personal Assistant
High Court Nagpur
Signing Date: 19.07.2023 15:21