

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

Writ Petition No.4495/2021

Mrs Mayuri and another V the Additional Collector, Nagpur and others

Office notes, Office Memoranda of
 Coram, appearances, Court's orders
 or directions and Registrar's orders.

Court's or Judge's Orders

Mr. S.D. Khati, Adv. for petitioners.
 Mrs. Hiwase, Adv. for resp. no.3.
 Mr. S.P Bhandarkar, Adv. for resp. no.4.

CORAM : AVINASH G GHAROTE, J.

DATE : 24-01-2023

The petition challenges the order dated 29-9-21 (pg 148) passed by the Maharashtra Revenue Tribunal, Nagpur (for short, 'MRT') solely on the ground that the impugned order, has been passed without any reasons whatsoever. Though the impugned order is sought to be supported by Mr Bhandarkar, learned Counsel for the respondent no.4 and Mrs. Hiwase, learned Counsel for respondent no.3, however, perusal of the same would indicate that it clearly records the contentions of the applicant and those of the non-applicant nos. 3 and 4 thereon and thereafter, the process which is to be followed in entertaining an application u/s 29 of the Maharashtra Agricultural Land (Ceiling on Holdings) Act, 1961, and thereafter without any reasons, directly the operative of the part is there. This would clearly indicate that there are absolutely no reasons given and recorded for dismissing the appeal. Absence of reasons is an anathema, to law and any order which does not record the reason, cannot be

sustained.

2. On this ground, the impugned order dated 29-09-21 is hereby quashed and set aside and the matter is remitted back to the MRT, for decision afresh by recording appropriate reasons.

3. The parties shall appear before the MRT on 6-2-2023 and no further notice shall be required to be issued to the parties.

4. Since it is an appeal, the MRT, is directed to decide the appeal within a period of 3 months from the date on which the Presiding Officer will take a charge.

JUDGE