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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 577 OF 2024

BIBISHAN SHAKAR BODRE DIED THROUGH LRS PANDURANG SHANKAR
BARDE BODRE

VERSUS

AVINASH BANSILAL SURWASE AND OTHERS

WITH

CIVIL APPLICATION NO. 6334 OF 2024

IN WP/577/2024

AVINASH BANSILAL SURWASE AND OTHERS

VERSUS

BIBISHAN SHAKAR BODRE DIED THROUGH LRS PANDURANG SHANKAR
BARDE BODRE AND OTHERS

WITH

WRIT PETITION NO. 587 OF 2024

HARI GANPAT CHANDANSHIVE

VERSUS

NAVNATH DASU KARGAL AND OTHERS

Mr.D.A. Mane, Advocate for the petitioner in WP No.577 of 2024
Mr.V.M. Maney, Advocate for respondent No.1 in WP No.577 of 2024.
Ms.R.R. Tandale, AGP for the respondent-State.

CORAM : KISHORE C. SANT, J.
DATE : 29.11.2024

PC :-

01. Civil Application No. 6334 of 2024 is on Board today for vacating interim relief. Since the parties are ready to argue the main petitions, same are taken for final disposal.

02 Heard. This writ petition No. 577 of 2024 is filed against

order passed by the learned Member, Maharashtra Revenue Tribunal, Chh. Sambhajinagar dated 06.12.2023, passed in Misc. Application in Appeal No. 81/B/2019/Osmanabad. It is case of the petitioner that this Misc. Application was filed for directions to initiate action for committing contempt and for restoring the position as regards revenue entries as on 04.11.2019. The learned Member, however, passed the following order :-

- "1. Application is allowed
2. The Collector Osmanabad is hereby requested to initiate Departmental Enquiry against Deputy Collector (Land Reforms) Osmanabad, Tahsildar Bhoom, Circle Officer, Talathi concerned.
3. The respondent is directed to keep the record regarding the suit property as on the stay order dated 04/11/2019 (Status-quo ante)."

03. The main ground agitated in the petition is that the MRT does not have jurisdiction under the Contempt of Courts Act. The application filed before the MRT itself was misconceived looking to the prayer of the application. When the MRT had no jurisdiction, still the learned Member has passed the impugned order. He, thus, prays for quashing and setting aside the impugned order by allowing the writ petition. He submits that even there is no provision to pass order directing the parties to maintain status-quo ante.

04. The learned Advocate Mr. Maney for the respondent vehemently opposed the writ petition. He submits that the main appeal before the MRT is still pending. The Tribunal has not passed any order exercising jurisdiction under the Contempt of Courts Act. Only order is passed to initiate departmental enquiry against the Dy. Collector for not obeying order and secondly directing to maintain status-quo ante. He further points out that the order was obtained from this Court on 12.01.2024 by making incorrect statement that the Tahsildar, Bhoom was likely to give effect to order by 3.00 p.m. on that day. Another statement made was that the main order was executed and mutation entries were sanctioned prior to passing of the status-quo order of 04.11.2019 by the learned MRT. He points out that in-fact the Tahsildar had only called for objection for carrying out mutation entry. The objection was called till 26.01.2024 and thus, there was no question of Tahsildar taking any action on 12.01.2024. So far as executing order by taking mutation entry is concerned, he points out that in-fact the mutation entry was certified on 03.08.2021 and thus this statement is also not correct as per the record. He submits that when the petitioner has taken the order that too by making incorrect statement, the order dated 12.01.2024 needs to be vacated.

05. The learned APP prays for passing appropriate orders.

06. This Court has heard the parties extensively. This Court finds that when the original revision is pending before the MRT, it is desirable to direct the parties to get the said revision decided finally.

07. The writ petitions are disposed off. The learned Member, MRT, is requested to decide Revision No. 81/B/2019/Osmanabad along with connected applications as early as possible and in any case before 31.01.2025.

08. This Court finds that the order dated 12.01.2024 was passed only relying upon statements that are recorded in para nos. 3 and 4. In view of the same, the order deserves to be vacated. The same is accordingly vacated.

09. It is reported that before the MRT the revision is already posted on 12.12.2024. The parties to appear before the said authority on that day.

10. In view of disposal of the petitions, nothing survives in the pending civil application, therefore, same is also disposed off accordingly.

[KISHORE C. SANT, J.]