



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

| <b><u>WRIT PETITION NO.3733/2022</u></b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
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| <b><u>PETITIONERS</u></b>                | <ol style="list-style-type: none"> <li>1. Mr. Dyaneshwar S/o Vithoba Lade, aged about 51 years, Occ. Agriculturist, R/o Shendurjana (Khurd), Tah. Dhamangaon (Railway), Dist. : Amravati.</li> <li>2. Mr. Chandu S/o Devidas Lade, aged about 48 years, Occ. Agriculturist, R/o Shendurjana (Khurd), Tah. Dhamangaon (Railway), Dist. Amravati.</li> </ol>                                                                                                                                                                                                                                                                                        |
| <b><u>...VERSUS...</u></b>               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <b><u>RESPONDENTS</u></b>                | <ol style="list-style-type: none"> <li>1. Mr. Mahendra Kumar S/o Devidas Bokey, aged about 73 years, Occ. Agriculturist.</li> <li>2. Chandrabhagabai Narendra Bokey, aged about 83 years, Occ. Agriculturist.</li> <li>3. Sunanda Yogendra Bokey, aged about 73 years, Occ. Agriculturist.<br/><br/>All R/o Warkhed, Tah. Tiwasa, Dist. Amravati.</li> <li>4. The Tahsildar, Dhamangaon Railway Office of Tahsildar at Dhamangaon Railway, Tah. Dhamangaon Railway, Dist. Amravati.</li> <li>5. The Sub-Divisional Officer, Chandur Railway Office of Sub-Divisional Officer at Chandur Railway, Tah. Chandur Railway, Dist. Amravati.</li> </ol> |

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|                                                                                                                                                                                 | 6. The Members of Maharashtra Revenue Tribunal, Nagpur.                                         |
|                                                                                                                                                                                 | 7. The State of Maharashtra Through its Secretary, Revenue Department, Mantralaya, Mumbai – 32. |
| Mr. S. Sufijan, Advocate h/f Mr. S. Raisuddin, Advocate for petitioners<br>Mr. P.S. Patil, Advocate for respondent nos.1 to 3<br>Mr. S.D. Futane, AGP for respondent nos.4 to 7 |                                                                                                 |

**CORAM : BHARAT P. DESHPANDE, J.**

**DATE : 06/03/2024**

**ORAL JUDGMENT**

1. Heard. Rule. Rule made returnable forthwith. Heard learned counsel for the parties by consent for final disposal.

2. The challenge in the present petition is to the order dated 15/12/2021 passed by the Maharashtra Revenue Tribunal, Nagpur Bench, Nagpur.

3. The learned counsel for the petitioners would submit that even though the learned Tribunal arrived at the finding that the procedure has not been followed by the Tahsildar and the First Appellate Court, the matter was not remanded for fresh consideration.

4. Mr. Patil, learned counsel for the respondent nos.1 to 3 and Mr. Futane, learned Assistant Government Pleader for the respondent nos.4 to 7 fairly submit that when the Tribunal has

arrived at the conclusion that the authorities dealing with the application failed to follow the procedure and no fair opportunity was given, along with quashing and setting aside the orders of the Tahsildar and the Sub Divisional Officer, the matter ought to have been remanded for fresh consideration.

5. In view of the above observations and the fact that the Tribunal has quashed and set aside the orders of the Tahsildar and the Sub Divisional Officer observing that the procedure was not followed, as provided under the said Act and fair opportunity was not given to the respective parties, it seems that inadvertently it failed to remand the original application before the Tahsildar for fresh consideration.

6. Accordingly and in order to do complete justice to the parties by maintaining the order of the Tribunal on the application dated 09/03/2015 filed by the petitioners for fixation of purchase price is remanded to the Tahsildar for fresh consideration and after hearing both the parties afresh.

7. The petitioners as well as respondent nos.1 to 3 shall appear before the Tahsildar, Dhamangaon (Railway), Amravati on 03/04/2024 at 11:00 a.m. and produce the copy of order of this

order. The Tahsildar shall thereafter hear both the parties and decide the said application afresh and on its own merit within a period of three months and communicate the order to the concerned authorities. It is made clear that till the decision of the application afresh by the Tahsildar, interim protection granted to the petitioners vide order dated 08/07/2022 shall continue.

8. The writ petition is disposed of accordingly in the above terms. Rule is made absolute in the aforesaid terms. No order as to costs.

9. The parties to act upon the authenticated copy of this order.

**(BHARAT P. DESHPANDE, J.)**