



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4398 OF 2024

Vijay Baburao Mahajan & Ors.

... Petitioners

Versus

State of Maharashtra, through Secretary & Anr.

... Respondents

Mr. Drupad S. Patil a/w. Mr. Balasaheb G. Lingade for the petitioners.
Ms. M.S. Bane, AGP for the State.

CORAM: G. S. KULKARNI &
ADVAIT M. SETHNA, JJ.

DATE: 27 JANUARY 2025

P.C.

1. This petition under Article 226 of the Constitution prays for a direction to the respondents to forthwith appoint the members of Maharashtra Revenue Tribunal (for short “MRT”) on the vacant posts by following the procedure as laid down in the Maharashtra Revenue Tribunal Rules, 2013.

2. The Bench of MRT came to be established at Kolhapur on 21 April, 2017. At the commencement of the Bench, Shri Maruti Vijay Potdar was appointed as Presiding Officer with effect from 1 August, 2017. The tenure of the Presiding Officer ended on 7 December, 2022 and thereafter the post of Presiding Officer is not filled up by the respondents. For last two years, no steps were taken to fill up the said post. On 18 January, 2024, a

representation was made by Kolhapur District Bar Association for appointment of the Presiding Officer of MRT at Kolhapur. However, no action was taken on such representation.

3. Learned counsel for the petitioners has drawn our attention to an order dated 19 July, 2016 passed by the Division Bench of this Court in Writ Petition No. 6322 of 2013 *Chandrakant Hanjarimal Rathod & Ors. vs. The State of Maharashtra & Ors.*, wherein the Court considering the provisions of the Maharashtra Land Revenue Code, 1966 as also the provisions of the Bombay Tenancy and Agricultural Lands Act, 1948 in regard to the constitution of Maharashtra Revenue Tribunal, observed that it is an obligation of the State to ensure that no post, whether of the President or Member of the Tribunal, remains vacant. It was observed that it is, therefore, absolutely necessary that the process of appointment should be initiated by the State Government atleast six months prior to the date on which the vacancy is likely to occur. The Court also observed that in case a vacancy occurs for other reasons such as resignation etc., the State Government has to start the process of filling the vacancy within 15 days from the date on which the vacancy occurs. The Court accordingly issued the following directions:

“4. In short, the State Government shall ensure that the posts of the Chairman and Members of the Maharashtra Revenue Tribunal should not remain vacant at all. Accordingly, we direct that the process of appointment of the President or the Member, as the case may be, shall be initiated at least six months prior to the date on which the vacancy is likely to

occur. In the event, the vacancy occurs due to resignation or other such reason, the process shall be started within a period of two weeks from the date on which the vacancy occurs.”

4. We are, accordingly, inclined to dispose of the petition by the following order:

- (i) The respondent shall take appropriate steps to fill up the vacancy of the post of Presiding Officer, Maharashtra Revenue Tribunal at Kolhapur, which be completed within six weeks from the date the copy of this order is available.
- (ii) We, accordingly, make the petition returnable for compliance on **17 March, 2025**.

5. The Secretary, Government of Maharashtra, Department of Revenue to act on an authenticated copy of the order.

6. This order be also forwarded by Ms. Bane, learned AGP to the Secretary/ concerned officer.

(ADVAIT M. SETHNA, J.)

(G. S. KULKARNI, J.)