



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

Writ Petition No.699 of 2025

Chandrashekhar s/o Gulabrao Parchake

vs.

Tahsildar-cum-Agriculture Land Tribunal, Kelapur, District Yavatmal 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. A.S. Dhore, Advocate for the Petitioner.

Ms. D.V. Sapkal, A.G.P. for Respondent No.1.

Mr. A.C. Dharmadhikari, Advocate for Respondent Nos.2 and 3A to 3D.

CORAM : ANIL L. PANSARE, J.

DATE : 23rd APRIL, 2025.

Heard.

02. The land, admeasuring 34 acres 37 gunthas, under question was originally owned by one Pandu Parchake. In the year 1965, Pandu sold part of the land admeasuring 10 acres and 5 guntas to one Goshya Rathod. The petitioner is one of the successors of Pandu. Respondent Nos.2 and 3A to 3D are the successors of Goshya.

03. It appears that the petitioner approached the Tahsildar for restoration of land under the provision of the Maharashtra Restoration of Lands to Scheduled Tribes Act, 1974. The Tahsildar was pleased to allow the application. Respondent No.2 and 3A to 3D approached the Maharashtra Revenue Tribunal, Nagpur Bench, Nagpur (*hereinafter referred to as "MRT" for short*). The MRT allowed the appeal and set aside the order passed by the Tahsildar directing restoration of land in favour of the petitioner.

04. During the course of hearing, it is revealed that though the application before the Tahsildar was filed by the petitioner, the Tahsildar has, while allowing the application, directed to restore the land in favour of six successors of Pandu and not in favour of the petitioner. Despite such status, the respondent Nos.2 and 3A to 3D approached the MRT against the

petitioner, in whose favour, the Tahsildar directed the land to be restored. In that sense, no opportunity of hearing was given to the persons in whose favour the order was passed by the Tahsildar.

05. That being so, the order impugned will have to be quashed and set aside as is not sustainable in law. Accordingly, the following order is passed :

ORDER

- I.** The writ petition is partly allowed.
- II.** The order dated 31/01/2025 passed by the Member, Maharashtra Revenue Tribunal, Nagpur in Case No.APL/ST-RESTO/YAV-12/2024 is quashed and set aside.
- III.** The appeal is restored to file of the Maharashtra Revenue Tribunal, Nagpur for consideration afresh in accordance with law.
- IV.** Respondent Nos.2 and 3A to 3D shall add six successors of Pandu Parchake viz. (1) Nilkanth Pandu Parchake, (2) Namdeo Madhav Parchake, (3) Champat Madhav Parchake, (4) Ganpat Madhav Parchake, (5) Rukhmabai Rambhau Parchake and (6) Shevantabai Bapurao Soyam as party-respondents to the appeal.
- V.** All questions are kept open.
- VI.** The parties i.e. the petitioner and respondent Nos.2 and 3A to 3D shall appear before the Maharashtra Revenue Tribunal, Nagpur on 2nd May, 2025.
- VII.** The Maharashtra Revenue Tribunal, Nagpur shall decide the appeal as expeditiously as possible.

(Anil L. Pansare, J.)