



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

WRIT PETITION NO. 6051 OF 2019

Wasudeo S/o Manglu Rathod and Ors.

Vs.

Sub-Divisional Officer, Kelapur, Dist. Yavatmal and Ors.

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

Court's or Judge's Orders.

Mr. Anup S. Dhore, Advocate for petitioner.

Mr. H.R. Dhumale, AGP for respondent/State.

Ms. Ayushi Dangre, Advocate for respondent Nos.3 to 5.

CORAM : ANIL L. PANSARE, J.

DATE : 14.01.2025.

Having heard at length, it appears that the impugned order passed by the Maharashtra Revenue Tribunal, Nagpur, remanding matter back to the Tahsildar to conduct inquiry in terms of Section 50 of the Bombay Tenancy and Agricultural Land (Vidarbha Region) Act, 1958, appears to be a valid reason as the authorities below have failed to conduct inquiry, as required.

2. As such, the learned counsel for the petitioner has argued, and rightly so, that the other ground upon which the inquiry was remanded back was not a valid ground inasmuch as the Tribunal

held that the respondent Nos.3 to 5 ought to have been made party to the proceeding by the petitioners; these respondents, however, had appeared suo-motu in the proceeding before the Tahsildar and raised objection which has been duly considered. Thus, on this point, the Tribunal ought not to have remanded the matter back. However, as regards inquiry under Section 50 of the said Act, the Tribunal has rightly remanded the inquiry back to the Tahsildar.

3. In view thereof, I do not find any reason to interfere with the impugned order. The writ petition is dismissed accordingly.

4. The parties who are present before the Court shall appear before the Tahsildar on **04.02.2025**.

5. The Tahsildar shall issue notice to the other parties and to proceed further in accordance with law.

6. The writ petition is disposed of accordingly with no order as to costs.

(ANIL L. PANSARE, J.)