



79-2025

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

WRIT PETITION NO. 679 OF 2025

(Babarao s/o Sukhdev Dhote & Ors. Vs. Datatraya Sansthan Shikhar Mahur, through Secretary Ganesh Patil & Ors.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. S.M. Bahirwar, Counsel for the petitioners.
Mr. K.R. Lule, A.G.P. for respondent nos. 2 to 4.

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CORAM : ANIL L. PANSARE, J.
MARCH 6, 2025

The learned Counsel for the petitioner submits that the impugned order has been passed by Mr. K.V. Sedani, Member (Judicial), Maharashtra Revenue Tribunal, Nagpur Bench, Nagpur. The argument is that Mr. Sedani has, during his tenure as District Judge – 1, Darwha, in Miscellaneous Civil Appeal No. 12/2016, dealt with the order passed by the trial Court below Exh. 5 and, therefore, he ought not to have decided the tenancy revision.

2] Thus, a Member (Judicial) of the Maharashtra Revenue Tribunal, Nagpur Bench, Nagpur, is being blamed of deciding a case, which he had once upon dealt with in the capacity as a District Judge.

3] When enquired with the learned Counsel for the petitioner as to whether the fact that Mr. Sedani had, in the year 2016, dealt with certain application related to the Trust, he answered that orally, this fact was informed. The learned Counsel further submits that the order passed by Mr. Sedani in Miscellaneous Civil Appeal No. 12/2016

was placed on record. When further asked as to whether Mr. Sedani has referred to his order passed in Miscellaneous Civil Appeal No. 12/2016 while passing the impugned order, the learned Counsel failed to show, from the impugned order, that there is reference to the said order.

4] To my mind, even if the Presiding Officer had referred to the earlier order, unless it is brought to his notice that he had dealt with the said matter and further that the matter was such that it will have direct impact on the outcome of the proceedings in revision and further that there are reasons to believe that the Presiding Officer has a bias mind or will get influenced by the earlier order, he would not carry a blame of intentionally entertaining the matter, which, in his tenure as District Judge, was dealt with in a challenge to the order passed by the trial Court in an interim application.

5] As such, the petition is liable to be dismissed on this count alone. However, since the learned Counsel for the petitioner has made statement across the bar that the fact of Mr. Sedani having dealt with the challenge to the interim application in the year 2016 was brought to his notice, let Mr. Sedani file report in this regard for passing further orders.

6] In the meantime, the petitioners shall deposit Rs.50,000/- with the Registry of this Court within ten working days from today, failing which the petition shall stand dismissed without further reference to the Court.

7] Copy of order be served on Mr. K.V. Sedani, Member (Judicial), Maharashtra Revenue Tribunal, Nagpur Bench, Nagpur, who shall file report within ten days.

8] List on 26/3/2025.

(ANIL L. PANSARE, J.)

Sumit