



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

WRIT PETITION NO.2866 OF 2024

Rajaram Bahuji Shilaskar (Patel) died through LRs and others
Vs.
Gunjan Chandrakumar Badjatiya and others

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

Court's or Judge's orders.

Shri N.B. Bargat, Advocate for petitioners.
Shri Abhay Sambre, Advocate for respondent no.1.
Shri S.B. Bissa, AGP / APP for respondent/State.

CORAM : M.W. CHANDWANI, J.
DATE : 19.01.2026.

1. The petition challenges the order dated 13.03.2024 passed by the respondent no.9 – Maharashtra Revenue Tribunal, Nagpur (for short “MRT”) in Tenancy Revision No.REV/TNC/AMR-30/2022 wherein, the order dated 06.06.2022 passed by the respondent no.8 – Sub Divisional Officer, Achalpur in Tenancy CAW No.07/59(13)/2020-21/ Nimdari setting aside the order passed by the respondent no.7 – Tahsildar, Achalpur in Tenancy Case No.08/59/(13)/ 2017-18/Nimdari dated 09.10.2020 has been confirmed.

2. The contention of the petitioners is that the Tahildar allowed the application filed by the petitioners for determination of purchase price and issued sale certificate which was challenged by respondent nos.1 and 2 before the Sub Divisional Officer by filing Appeal under Section 107 under the Maharashtra Tenancy and Agricultural Lands

(Vidarbha Region) Act, 1958 bearing Appeal No.7/59(13)/2020-21 which came to be allowed by the Sub Divisional Officer, Achalpur. Revision came to be filed by the petitioners before the MRT, Nagpur. However, by the impugned order dated 13.03.2024, the said revision came to be dismissed.

3. The contention of the learned counsel for the petitioners is that the sole grievance of respondent nos.1 and 2 before the Sub Divisional Officer was that they were not heard by the Tahsildar. However, instead of remanding the matter back to the Tahsildar, the Sub-Divisional Officer set aside the order on merits.

4. Heard the learned counsel for the respective parties. It appears that the main ground raised by respondent nos.1 and 2 before the Sub Divisional Officer was that they were not heard by the Tahsildar before passing the order dated 09.10.2020 in Tenancy Case No.8/59(13)/2017-18. The Sub Divisional Officer has rightly set aside the order of the Tahsildar but has failed to remand the matter for fresh consideration.

5. It is a settled law that when an order has been passed without hearing other side, the appellate authority shall not only set aside the order but shall also remand the matter for fresh consideration. This aspect has not been taken care of by the Sub Divisional Officer and not properly appreciated

by the MRT. Therefore, the orders of the Sub Divisional Officer as well as MRT are required to be corrected.

6. Consequently, the impugned orders dated 13.03.2024 passed by the Maharashtra Revenue Tribunal, Nagpur in Tenancy Revision No.REV/TNC/AMR-30/2022 and the order dated 06.06.2022 passed by the Sub Divisional Officer, Achalpur in Tenancy CAW No.07/59(13)/2020-21/Nimdari are set aside.

7. Needless to mention that the findings recorded by the Tahsildar, Achalpur are also set aside, since the principles of natural justice were not followed.

8. The matter is remanded back to the Tahsildar, Achalpur, District Amravati for deciding it afresh.

9. Since, the matter is an old one, the Tahsildar shall try to dispose of the case as early as possible.

10. With this, the petition stands disposed of.

(M.W. Chandwani, J.)

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