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

WRIT PETITION NO.7382 OF 2025

Shivram Budha Karpate and Anr. **Vs.** Sanjay R. Uplenchwar 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. S.S. Deshpande, Advocate for the Petitioners.
Ms. P.T. Joshi, AGP for the Respondent Nos.2 and 3/State.

CORAM: PRAFULLA S. KHUBALKAR, J.
DATED : 14th JANUARY, 2026

1. Heard learned counsel for the petitioners.

2. The petitioners' challenge is to the order dated 03.01.2025 in APL/ST-RESTO/YAV-03/2021 passed by Maharashtra Revenue Tribunal, Nagpur, thereby, allowing the appeal of the respondents.

3. Learned counsel for the petitioners submits that the respondent No.1 has filed an appeal under Section 6 of the Maharashtra Restoration of Lands to Schedule Tribes Act, 1974 (for short "the Act") before the Maharashtra Revenue Tribunal. The Tribunal has passed the impugned order by mainly considering that on the date of transaction i.e. on 21.04.1971, in between the father of the petitioners and the non-tribal, the tribe "Pardhan", to which petitioner's father claimed to be belonging, was not included in the list of Schedule Tribes. The Tribunal has also observed that even in the notification dated 18.09.1976, the aforesaid tribe was not included and therefore, by considering the position of law, as laid down in the matter of ***Baliram Rewa Chavan Vs. Gajanan Shekorao Wanjari and Others*** reported in ***2023(3) Mh.L.J.***

737, the Tribunal has observed that the transaction of sale was not illegal. By considering this aspect, the Tribunal has ultimately allowed the appeal.

4. Learned counsel for the petitioners submits that while considering the controversy, the Tribunal has failed to note that the Gazette of Government of India Notification dated 16.09.1950, mentions the tribe "Pardhan" at Sr. No.37 in the list of Schedule Tribes for the State of Madhya Pradesh. He also submits that the tribe "Pardhan" was included at Sr. No.28 in the list of Schedule Tribes as mentioned in the Notification dated 29.10.1956 for the State of Maharashtra. He therefore, submits that in view of these vital documents, the impugned order is unsustainable.

5. Learned AGP for the respondent/State does not dispute the notifications placed on record.

6. In view of this limited controversy, it is in the interest of justice to remand the matter by directing the Tribunal to re-consider the matter afresh, after giving due consideration to the Notifications.

7. In view of this, the writ petition is **partly allowed**. The impugned order dated 03.01.2025 in APL/ST-RESTO/YAV-03/2021 passed by Maharashtra Revenue Tribunal, Nagpur, is quashed and set-aside. The matter is remanded to the Tribunal for considering the matter afresh, after considering these notifications.

(PRAFULLA S. KHUBALKAR, J.)

Privel