

(This order is modified as per the order of speaking to the minutes dated 16.07.2025)

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

41 WRIT PETITION NO. 1141 OF 2022

1. Sudhakar S/o Namdeo Deokar
Age : 55 years, Occ : Farming,
R/o Takali, Tq. Kopargaon,
Dist. Ahmednagar.
2. Satyabhamabai Nanasaheb Deokar
Age : 57 years, Occ : Housewife,
R/o Takali, Tq. Kopargaon,
Dist. Ahmednagar.
3. Manesh S/o Nanasaheb Deokar
Age : 40 years, Occ : Farming,
R/o Takali, Tq. Kopargaon,
Dist. Ahmednagar.
4. Smt. Changuna Ashok Kavade
Age : 55 years, Occ : Farming,
R/o Takali, Tq. Kopargaon,
Dist. Ahmednagar.
5. Smt. Prayagabai Popatrao Kavade
Age : 70 years, Occ : Housewife,
R/o Bangaon, Tq. Nandgaon,
Dist. Nashik
6. Smt. Suman Sopanrao Bhagwat
Age : 67 years, Occ : Housewife,
R/o Behind Church, Samtanagar,
Takali-Khadi Road, Kopargaon,
Tq. Kopargaon, Dist. Ahmednagar.
7. Smt. Mathura Pandarinath Shelke
Age : 63 years, Occ : Housewife,
R/o Shirdi, Tq. Rahata, Dist. Ahmednagar.
8. Smt. Shobha Ramnath Salpure
Age : 50 years, occ : Housewife,
R/o Pipalwadi, Tq. Rahata,
Dist. Ahmednagar.

..PETITIONERS

VERSUS

1. The State of Maharashtra
Through its Principal Secretary,
Revenue and Forest Department,
Mantrayala, Mumbai.
2. The Hon'ble Minister (Revenue),
State of Maharashtra, Mumbai
3. The Additional Commissioner,
Nashik Division, Nashik.
4. The Collector, Ahmednagar,
Dist.Ahmednagar
5. The Additional Collector,
Ahmednagar, Tq. & Dist. Ahmednagar.
6. The Special Land Acquisition Officer No.10/
Deputy Collector, Ahmednagar,
Tq. & Dist. Ahmednagar.
7. The Tahsildar, Kopargaon,
Tq. Kopargaon, Dist. Ahmednagar.

..RESPONDENTS

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Mr. R.N. Dhorde, Senior Advocate i/b Mr.V.R. Dhorde, Advocate for
the petitioners.

Dr. Kalpalata Patil Bharaswadkar, Addl. G.P for Respondent/State.

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CORAM : ROHIT W. JOSHI, J.

DATED : 30th JUNE, 2025

JUDGMENT :-

1. The petitioners are decedents of one Balwant Sakharam
Ranode, who was owner of agricultural land bearing survey no.406
admeasuring 14 acres 36 gunthas and survey no.418 admeasuring 14

sga/

acres 15 gunthas situated at village Sanwatsar, Tq. Kopargaon, Dist.Ahmednagar. These lands, totally admeasuring 28 acres 38 gunthas, were leased by said Balwant Ranode to one Godavari Sugar Mills (Hereinafter referred to as "GSM") for a period of 30 years, vide registered lease deed dated 17th July, 1941. While the lands were let out to GSM and the lease was in subsistence, the Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1961 (Hereinafter referred to as "Ceiling Act") came into force. The lands taken by various Industrial Undertakings on lease were considered as lands owned by them for the purpose of determination of ceiling area and lands in excess of ceiling area were taken over from such Industrial Undertakings under the provisions of the Ceiling Act. Various lands leased out by different persons to GSM were also declared as surplus lands and the same were forfeited to the State Government.

2. The Ceiling Act came to be amended, vide Maharashtra Act No.27/1970. Section 28-1AA was brought on Statute Book. Invoking Section 28-1AA(1), the lands taken over from GSM were granted to Maharashtra State Farming Corporation (hereinafter referred to as "MSFC"), which is a statutory company established by the Government of Maharashtra. Section 28-1AA (3) of the Ceiling Act enables the State Government to grant surplus lands taken over from Industrial Undertakings back to the original land owners, who

had leased the same to the Industrial Undertakings. Somewhere around the year 1969-70, the State Government took a decision to return the lands to original land owners as contemplated under the said provision. The Sub-Divisional Officer, Sangamner passed order in the year 1971 returning 4 acres and 20 gunthas land under the said provision to Hausabai widow of original lessor - Balwant Ranode.

3. Section 28-1AA(3) came to be amended, vide Maharashtra Act No.17/2003. The amended provision contemplates that the land owners, who had leased their lands to Industrial Undertakings are entitled to receive back their lands for personal cultivation to the extent of the ceiling area or the entire land actually leased out, whichever is less.

4. In view of the above, the State Government again decided to return the additional lands to the land owners as contemplated under the amended Section 28-1AA(3).

5. The petitioners, who claimed to be legal descendants of the original lessor made an application for return of 24 acres 18 gunthas land, excluding 4 acres 20 gunthas, which was returned earlier. On 10th July, 2012, a list of eligible allottees came to be published in which the names of the petitioners also appeared.

According to the said list, the petitioners were held eligible for release of 11 acres 12 gunthas land. The lands were treated as irrigated lands and accordingly return of 11 acres 12 gunthas was proposed having regard to the ceiling limit for irrigated land which is 18 acres.

6. The petitioners raised objection in this regard contending that the lands were dry crop lands for which the ceiling limit is 54 acres, and therefore, they were entitled for release of entire 24 acres 18 gunthas land excluding 4 acres 20 gunthas, which was released earlier in the year 1970.

7. However, the Additional Collector vide order dated 29.11.2014 confirmed return of 11 acres 12 gunthas land only out of total 24 acres 18 gunthas lands. The petitioners challenged this order initially before the Maharashtra Revenue Tribunal. The said appeal was dismissed for want of jurisdiction. The petitioners thereafter filed Writ Petition No.1545/2015 challenging the order passed by the Maharashtra Revenue Tribunal. However, the petition was withdrawn with liberty to file appeal under Section 247 of the Maharashtra Land Revenue Code before the Additional Commissioner. The petitioners accordingly preferred appeal, which was also dismissed by the Additional Commissioner, vide order dated 14.12.2017. This order dated 14.12.2017 was challenged by the petitioners by filing a

Revision under Section 257 of the M.L.R. Code before the Hon'ble Minister and the said Revision was dismissed on 06.07.2021. The present petition is filed assailing the said orders.

8. Shri R. N. Dhorde, learned Senior Advocate for the petitioners contends that the lands are dry crop lands, and therefore, the authorities ought to have passed orders under Section 28-1AA(3) of the Ceiling Act considering the ceiling area as 54 acres. He has drawn attention to the revenue records pertaining to the lands in question from somewhere around the year 1920 to buttress his contention. The contention of the learned Senior Advocate is that the subject lands do not have any facility of irrigation from water resources maintained by the State Government or Zilla Parishad, and therefore, the same are required to be treated as dry crop lands. He contends that the authorities have erred in treating the lands as irrigated lands. He criticises the orders passed by all the authorities on the ground that the said orders are non-speaking orders. He contends that the documents placed on record and contentions advanced have not been considered by the authorities. He, therefore, states that the orders impugned in the present petition are completely unsustainable and are liable to be quashed.

9. Per-contra, Dr. Kalpalata Patil Bharaswadkar, learned Additional Government Pleader appearing for the respondents

justifies the orders. She states that the lands were leased out by the predecessors of the petitioners to Industrial Undertakings for cultivation of sugarcane. She states that the sugarcane crops were admittedly being taken regularly by the Industrial Undertakings with the assistance of irrigation facility provided by the Government, and therefore, the lands are rightly considered as irrigated lands for the purpose of computation of total area of lands to be released under Section 28-1AA(3).

10. As regards the said contention, the learned Senior Advocate replies that irrigation facility was not being provided to Industrial Undertakings or the MSFC in relation to any particular field. He contends that gross quantity of water used to be supplied through irrigation facility of the Government, and therefore, the lands in question cannot be said to be irrigated lands only because irrigation facility was provided to the Industrial Undertakings and MSFC. He further submits that there was no assured water supply from any source constructed or maintained by the State Government or the Zilla Parishad. He, therefore, contends that the lands at best can be said to be seasonably irrigated lands and even if they are considered to be a seasonably irrigated lands, the petitioners are entitled for release of the entire lands since ceiling limit of lands is 36 acres.

11. Having heard the rival submissions as aforesaid and having perused the record of the case as well as the orders impugned with the able assistance of the learned Senior Advocate and the learned Additional Government Pleader, this Court is of the opinion that the authorities have not dealt with the matter properly. The material on which the petitioners have placed reliance is not considered to arrive at any particular finding. At least, such consideration is not reflected on perusal of the orders. The orders are unreasoned and non-speaking orders, which do not deal with the contentions raised by the petitioners as also material relied upon by them. The authorities, who are performing quasi-judicial function are duty bound to deal with the material relied upon and contentions raised by the parties before them in a proper perspective. Although, the findings of fact recorded by the authorities cannot be interfered with by this Court, this Court can certainly step ahead in order to interfere with the orders, which are not supported with adequate reasons. It is now well settled that the order without reasons is dead letter in the eyes of law. Having regard to the fact that the claim of the petitioners is rejected by non-speaking orders, in the considered opinion of this Court, it will be expedient in the interest of justice to quash the impugned orders and direct the respondents to revisit the matter by granting fresh opportunity of hearing to the petitioners and deciding the claim by passing a reasoned order.

12. In view of the above, the following order :-

ORDER

- (i) The Writ Petition is partly allowed.
- (ii) The order dated 06.07.2021 passed by respondent no.2 - Hon'ble Minister in Revision Application bearing ICH-2018/Case No.26/L-7 and order dated 14.12.2017 passed by the Additional Commissioner, Nashik Division, Nashik in RTS Appeal No.378/2017 are quashed.
- (iii) The matter is remitted back to the Collector, Ahmednagar for deciding it a fresh after granting opportunity of hearing to the parties.
- (iv) The parties are directed to appear before the Collector, Ahmednagar on 1st August, 2025. Fresh notice for appearance will not be issued to the parties.
- (v) The learned **Collector, Ahmednagar** is requested to decide the matter as expeditiously as possible and in any case on or before 31st December, 2025.

13. The petition is disposed of accordingly.

14. Civil Applications, if any, stand disposed of.

[ROHIT W. JOSHI, J.]