IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

47 WRIT PETITION NO. 10636 OF 2021

1. Uday s/o Baburao Chounde }
Age 56 yrs Occ. Agri }
R/o. Rajiv Gandhi Chowk Latur }
Ta. And Dist. Latur }
..**Petitioner**

Versus

1. The State of Maharashtra }
Through, it's Secretary }
Revenue Department Mantralaya }
Mumbai-32 }

2. The Collector, }
Latur Dist. Latur }

3. The Taluka Inspector(Land Record) }
Latur Ta. And Dist. Latur }

4. The Tahsildar, }
Latur ta. And Dist. Latur }

5. Varsha Achyut Barde }
Age 43 yrs Occ. H.H. }
R/o. 5 No. Chowk, Latur }
Ta. And Dist. Latur }

6. Ayodhya Muktaram Bhingole }
Age 47yrs Occ. H.H. }
R/o. Rohina Ta. Chakur Dist. Latur }

7. Anita Balasaheb Kokre }
Age 53 yrs Occ. H.H. }
R/o. Hipalgaon Ta. Shirur- Anantpal }
Dist. Latur }

8. Radha Balasaheb Gavhane }
Age. 41 yrs Occ. H.H. }
R/o. Near Nandgaon Railway Station, Latur }
Ta. And Dist. Latur }

9. Rahul Narsing Khandare }
Age 28 yrs Occ. Agri }
R/o. Janwal Ta. Chakur Dist. Latur }

10. Anusaybai Shripati Gadekar }
Age. Major Occ. H.H. }
R/o. Peth Ta. And Dist. Latur }

11] Rahibai w/o Dattu Bhande (Died) }
Through her Legal Representatives }

11/1] Premala Mukind Hodade (Died) }
Through her Legal Representatives }
11/1/1]. Mukind Hodade }
Age Major Occ. Business }

11/1/2] Vishal Mukind Hodade }
Age Major Occ. Business }

11/1/3] Baloo Mukind Hodade }
Age Major Occ. Business }

11/1/4]Sharad Mukind Hodade }
Age Major Occ. Business }

11/2] Nirmala Dattu Bhande (Ghodke) }
Age Major Occ. Business }

11/3]Komalbai Dattu Bhande }
Age Major Occ. Business }

11/4]Dhananjay Dattu Bhande }
Age Major Occ. Business }

11/5]Shivaji Dattu Bhande }
Age Major Occ. Business }
All R/o. Harwadi Ta. Renapur Dist. Latur }

12. Jaibai w/o Nagorao Gadekar }
Age. 75yrs Occ. Agri }
R/o. Ring Road, Latur Dist. Latur }

13. Shardabai w/o Machindra Chendge }
Age 65yrs Occ. Agri }

R/o. Peth Ta. And Dist. Latur. }
Respondent No. 12 and 13 Through }
Their General Power of Attorney Holder }
Rajkumar (Girish) s/o Vainath Rachatte }
Age. 48 yrs Occ. Business }
R/o. Majge Nagar, Latur Ta. Latur Dist. Latur }

14. Malu s/o Shripati Gadekar }
Age 53yrs Occ. Agri }
R/o. Peth Ta. And Dist. Latur }

15. Kashibai w/o Rama Salunke }
Age Major Occ. H.H. }
R/o. Vasangaon Ta. And Dist. Latur }

16. Raosaheb s/o Sada Gadekar (Died) }
Through Lrs. }

16-A. Kedubai w/o Raosaheb Gadekar }
(Deceased) }

16-B. Kaushalyabai @ Sundarabai w/o Raosaheb }
Gadekar }
Age 68 yrs Occ. H.H. }
R/o. Vishnu Nagar, First Lane, Near Alkabai }
Kagbati House, Nanded Ta. And Dist. Nanded }

16-C. Kishor s/o Raosaheb Gadekar (Died) }
Through Lrs. }

16-C1. Pawan s/o Kishor Gadekar }
Age. 28 yrs Occ. Agri }
R/o Peth Ta. Latur Dist. Latur }

16-D. Vijaykumar s/o Raosaheb Gadekar }
Age. 45 yrs Occ. Agri }
R/o. Peth Ta. Latur Dist. Latur }

16-E. Surekha Raosaheb Gadekar. }
Age. 43 yrs Occ. H.H. }
R/o. Peth Ta. Latur Dist. Latur }

16-F. Sukumar w/o Haridas Maindad }
Age 41 yrs Occ. H.H. }
R/o. Chorakhali Ta. Kallam Dist. Osmanabad }

16-G].Usha w/o Kamlakar Bansode (Died) }
Through her Legal Representatives }

16-G-1]. Kamlakar s/o Baburao Bansode }
Age 55yrs Occ. Small Business }
Mobile No. 9421353987. }

16-G-2]. Suraj s/o Kamlakar Bansode }
Age 33yrs Occ. Private Service }

16-G-3]. Akash s/o Kamlakar Bansode }
Age 30yrs Occ. Private Service }

16-G-4]. Sagar s/o Kamlakar Bansode }
Age 28yrs Occ. Private Service }
Mobile No. 839081275 }
All R/o Devgiri Nagar, Ambajogai Road, }
Latur Ta. And Dist. Latur }

16-H. Jyoti w/o Nanasaheb Maindad }
Age. 28 yrs Occ. H.H. }
R/o. Chorakhali Ta. Kallam Dist. Osmanabad }

17. Mohd. Ismail Rukhmoddin Patel }
Age. Major Occ. Business }
R/o. Dayaram Road, Near Godavari School, }
Latur Ta. And Dist. Latur }

18. Narsing s/o Venkoba Gaddime }
Age Major Occ. Agri. }
R/o. Khopegaon Ta. And Dist. Latur }

19. Tulshiram s/o Narayan Ghayal (Died) }
Age Major Occ. Agri. }
R/o. Khopegaon Ta. And Dist. Latur }

19/1. Bhanudas s/o Tulshiram Ghayal }
Age. Major Occ. Agri }

19/2. Jalinder s/o Tulshiram Ghayal (Died) }
Through Lrs. }

19/2/1. Vinod s/o Jalinder Ghayal }
Age. Major Occ. Agri }

19/2/2. Manoj s/o Jalinder Ghayal }
Age. Major Occ. Agri }

19/2/3. Kaushalya d/o Jalinder Ghayal }
Age. Major Occ. Agri }

19/3.Madhukar s/o Tulshiram Ghayal }
Age. Major Occ. Agri. }

19/4. Gorakh s/o Tulshiram Ghayal }
Age. Major Occ. Agri. }

19/5.Gayabai w/o Sugriv Waghe @ }
Gayabai d/o Tulshiram Ghayal }
Age. Major Occ. Agri }

19/6.Navnath s/o Tulshiram Ghayal }
Age. Major Occ. Agri. }

19/7. Shrimant s/o Tulshiram Ghayal (Died) }
Through Lrs. }

19/7/1. Shital d/o Shrimant Ghayal }
Age. Major Occ. Agri. }

19/7/2. Bhagwat s/o Shrimant Ghayal }
Age. Major Occ. Agri. }

19/7/3. Nirmal w/o Shrimant Ghayal }
Age. Major Occ. Agri. }

19/8.Prabhakar s/o Tulshiram Ghayal (Died). }
Through Lrs. }

19/8/1. Vishnudas s/o Prabhakar Ghayal }
Age. Major Occ. Agri }

19/8/2. Krishnadas s/o Prabhakar Ghayal }
Age. Major Occ. Agri. }

19/8/3. Sarika d/o Prabhakar Ghayal }
Age. Major Occ. Agri }

19/8/4. Urmila w/o Prabhakar Ghayal }

Age. Major Occ. Agri. }
- All R/o. Khopegaon Ta. Latur Dist. Latur. }

20. Nagnath s/o Narayan Ghayal (Died) }
Through Lrs. }

20/1.Balaji s/o Nagnath Ghayal }
Age. Major Occ. Agri }

20/2.Govind s/o Nagnath Ghayal }
Age. Major Occ. Agri. }

20/3. Mangal w/o Ramakant Waghmare @ }
Mangal d/o Nagnath Ghayal }
Age. Major Occ. Agri }

20/4.Indu w/o Jalinder Nare @ }
Indu d/o Nagnath Ghayal }
Age. Major Occ. Agri. }
All R/o. Khopegaon Ta. Latur Dist. Latur }

21. Komal w/o Vijaykumar Gadekar }
Age. Major Occ. Agri. }
R/o. Pashupathinath Nagar, Near Dudhale Floor Mill }
Latur Ta. And Dist. Latur }

22. Manjiri w/o Vijaykumar Barole }
Age. 50yrs Occ. H.H. }
R/o. Near Bullet Showroom, Rajiv Gandhi Chowk, }
Latur Ta. And Dist. Latur }

23. Pandurang s/o Vyankoba Gaddime }
Age. 78yrs Occ. Agri }
R/o. Vasangaon Ta. And Dist. Latur }
Through Lrs. }

24. Nandkishor s/o Ramniwasji Agarwal }
Age. 75 yrs Occ. Agri. }
R/o. Adarsha Colony, Latur }
Dist. Latur }

25. Ashok s/o Dyanoba Patil }
Age. 65 yrs Occ. Agri }
R/o. Vasangaon Ta. And Dist. Latur }

26. Shrikrishna s/o Madhavrao Patil }
Age. 55 yrs Occ. Agri. }
R/o. Vasangaon Ta and Dist. Latur }

27. Suresh s/o Madhavrao Patil }
Age 50 yrs Occ. Agri }
R/o. Vasangaon Ta and Dist. Latur }

28. Vasant s/o Manoharrao Suryawanshi }
Age. 50 yrs Occ. Agri }
R/o. Arajkheda Ta. Renapur Dist. Latur }

29. Balaprasad s/o Parasramji Bangad }
Age. 50 yrs Occ. Business }
R/o. Central Hanuman, Latur Ta Latur }
Dist. Latur }

30. Nagorao s/o Narayanrao Pawar }
Age. 69 yrs Occ. Agri & Retired }
R/o. Ausa Road, Behind ICICI Bank, Latur }
Ta. And Dist. Latur }

31. Amol s/o Dhananjay Deshmukh }
Age. 35 yrs Occ. Business }
R/o. Behind Garad Garden, Barshi Road, Latur }
Ta. And Dist. Latur }

..Respondents

WITH
WRIT PETITION NO.8562 OF 2021
WITH
CIVIL APPLICATION NO. 2581 OF 2025
CIVIL APPLICATION NO. 4405 OF 2024
CIVIL APPLICATION NO. 10142 OF 2024

M/s Siddheshwar Developers }
Through its Partner, Sattar s/o Saheblal Shaikh }
Age: 54 years, Occu.: Business, }
R/o Maharashtra Carpet Centre, Osmanpura, Latur. }

..Petitioner

VERSUS

1. The State of Maharashtra, }
Through its Secretary, }
Revenue Department, }

Mantralaya, Mumbai-32. }
2. The Collector, }
Latur, District Latur. }

3. The Taluka Inspector (Land Records), }
Tq. & Dist. Latur. }

4. The Tahsildar, }
Latur, Tq. & Dist. Latur. }

5. Rahibai w/o Dattu Bhande, }
Age: 83 years, Occ. Agri. }
R/o. Harwadi, Tq. Renapur, Dist. Latur. }

6. Shripati S/o. Sanganna Gadekar }
Since deceased through his LR's }

6-A] Malu s/o Shripati Gadekar }
Age: 53 years, OCc. Agri. }
R/o. At post Peth, Tq. & Dist. Latur }

6-B] Kashibai W/o. Rama Salunke }
Age: Major, Occu. Household, }
R/o. Peth, Tq. & Dist. Latur. }

6-C] Bitabai @ Shardabai W/o. Narsing Khandare }
Since deceased through her LR's }

6-CA] Varsha W/o. Achyut Barde }
Age : 31 years, Occu. Household, }
R/o. 5 number Chowk, Latur, }
Tq. & Dist. Latur. }

6-CB] Ayodhya W/o. Muktaram Bingole }
Age : 33 years, Occu. Household, }
R/o. Rohina, Tq. Chakur, Dist. Latur. }

6-CC] Anita W/o. Dnyanoba Kokare, }
Age : 38 Years, Occu. Household }
R/o. Hippalgaon, Tq. Shirur-anatpal }
Dist. Latur. }

6-CD] Radha W/o. Balasaheb Gavhane }
Age : 29 years, Occu. Household, }
R/o. Near Nandgaon Railway Station, }

Latur, Tq. & Dist. Latur. }
6-CE]Rahul S/o Narsing Khandare }
Age: 27 years, Occu. Agri. }
R/o Janwal, Tq. Chakur, Dist. Latur }

6-CE-1]Shailabai w/o Rahul Khandare }
Age: Major, Occu. Household. }
R/o Janwal, Tq. Chakur, Dist. Latur }

6-D) Anusayabai D/o Shripati Gadekar }
Age : Major, Occ: Household }
R/o. Peth, Tq. & Dist. Latur, }

6-D-1]Damyanti Balaji Bhingole }
Age: Major, Occ: Household }
R/o Rohina Ta. Chakur, Dist. Latur. }

7-A] Kedubai w/o Raosaheb Gadekar }
(Deceased) }

7-B] Kaushalayabi @ Sundarabai }
w/o Raosaheb Gadekar }
Age: 68 years, Occ. Household, }
R/o. Vishnu Nagar, First Lane }
Near Alkabai Kagbati House, Nanded, }
Dist. Nanded. }

7-C] Kishore s/o Raosaheb Gadekar }
(deceased) Through L.Rs. }

7-C1) Pavan s/o Kishor Gadekar, }
Age: 28 years, Occu: Agril., }
R/o. Peth, Tq. and Dist. Latur. }

7-D] Vijaykumar s/o Raosaheb Gadekar }
Age: 45 years, Occ. Agri. }
R/o. Peth, Tq. & Dist. Latur. }

7-E] Surekha w/o Raosaheb Gadekar }
Age: 43 years, Occ. Agri. }
R/o. Peth, Tq. & Dist. Latur. }

7-F] Sukumar w/o Haridas Maindad }
Age: 41 years, Occ. Household, }
R/o. Chorakhadi, Tq. Kallam, Dist. Osmanabad. }

7-G] Usha w/o Kamlakar Bansode }
Age: 39 years, Occ. Household, }
R/o. Sham Nagar, Keshavraj Vidhyalaya, }
Latur, Dist. Latur. }

7-H] Jyoti w/o Nanasaheb Maindad }
Age: 28 years, Occ. Household, }
R/o. Chorakhali, Tq. Kallam, Dist. Osmanabad. }

8. Vasant s/o Manoharrao Suryawanshi }
Age : 43 years, Occ. Agri. }
R/o. Latur. }

9. Balaprasad s/o Parasramji Bangad }
Age : 43 years, Occ. Business, }
R/o. Latur. }

10. Nagorao s/o Narayanrao Pawar }
Age : 62 years, Occ. Retired & Agri. }
R/o. Latur. }

11. Amol Ashok s/o Dhananjay Deshmukh }
Age : 27 years, Occ. Business, }
R/o. Latur. }

12. Mohd. Ismail Rokhmoddin Patel, }
Age : major, Occ. Business, }
R/o Latur. }

13. Chandrabhagabai W/o Khandu Kandarphale, }
Age : major, Occ. Household, }
R/o Jawalge, Tq. & Dist. Latur. }

14. Narsingh S/o Venkoba Gaddime, }
Age : major, Occ. Agril, }
R/o Khopegaon, Tq. & Dist. Latur. }

15. Tulshiram S/o Narayan Ghayal, }
Age : major, Occ. Agril, }
R/o Khopegaon, Tq. & Dist. Latur. }

16. Nagnath S/o Narayan Ghayal, }
Age : major, Occ. Agrll, }
R/o Khopegaon, Tq. & Dist. Latur. }

17. Komal W/o Vijaykumar Gadekar, }
Age : major, Occ. Agri, }
R/o Pashupathinath Nagar, }
Near Dudhale Peeth Girn1, Latur, Tq. & Dist. Latur. }

18. Uday So Baburao Chaunda, }
Age : major, Occ. Agril, }
R/o Chaunda Complex, }
Rajiv Gandhi Chowk, }
Latur, Tq. & Dist. Latur.

19. Manjiri W/o Vijaykumar Barole, }
Age : major, Occ. Agril, }
R/oNear Bullet Show Room, }

20. Pandurang s/o Venkoba Goddimre }
Age:85 years, Occ. Agril, }
R/o Shelgaon, Tq, Sonpeth, Dist- Parbhani }

21. Ashok s/o Dnyanoba Patil }
Age : 60 years, Occ. Agri. }
R/o. Vasangaon, Tq. & Dist. Latur. }

22. Shrikrishna S/o. Madhavrao Patil }
Age ; 55 years, Occ. Agri. }
R/o. Vasangaon, Tq. & Dist. Latur }

23. Nandkishor S/o Ramniwasji Agrawal, }
Age : major, Occ. Agril, }
R/o Adarsha Colony, Latur, Tq. & Dist. Latur }

24. Suresh s/o Mahadev Patil, }
Age: 54 years, Occu.: Agriculture, }
R/o Wasangaon, Tal. and Dist. Latur. }

25. Venkuram s/o Keshavrao Patil, }
Age: 50 years, Occu.: Agriculture, }
R/o Wasangaon, Tal. and Dist. Latur. }

...**Respondents**

WITH

WRIT PETITION NO. 9805 OF 2021

WITH CIVIL APPLICATION NO. 10669 OF 2023

1.	Baburao Jagannathappa Chounde Died through l.Rs. Manjiri W/o Vijaykumar Barole, Age:51 years Occ: Agri R/o Near Bullet Show Room Rajiv Gandhi Chowk, Latur Tq. & Dist. Latur.	} } } } } } } **.Petitioner**

Versus

1)	The State of Maharashtra Through its Secretary, Revenue Department, Mantralaya, Mumbai-32	} } } }
2)	The Collector Latur, District Latur	} }
3)	The Taluka Inspector (Land Records), Tq. & Dist. Latur.	} }
4)	The Tahsildar, Latur Tq. & Dist. Latur.	} }
5-A)	Rahibai w/o Dattu Bhande, Dead through L.rs.	} }
5-AB)	Premala Mukind Hodade Dead	} }
5-BA)	Mukind Hodade Age-Major, Occ-Business	} }
5-BB)	Vishal Mukind Hodade Age-Major, Occ-Business	} }
5-BC)	Baloo Mukind Hodade Age-Major, Occ-Business	} }
5-BD)	Sharad Mukind Hodade Age-Major, Occ-Business	} }
5-AC)	Nirmala Dattu Bhande (Ghodke)	}

Age-Major, Occ-Business }

5-AD) Komalbai Dattu Bhande }
Age-Major, Occ-Business }

5-AE) Dhananjay Dattu Bhande }
Age-Major, Occ-Business }

5-AF) Shivaji Dattu Bhande }
Age-Major, Occ-Business }

5-B) Jaibai w/o Nagorao Gadekar, }
Age-75 years, Occ-Agril., }
R/o Ring Road, Latur }

5-C) Shardabai w/o Machhindra Chendge, }
Age-65 years, Occ-Agril., }
R/o Peth, Tq. and Dist. Latur }

Resp. No.5-a to 5-c }
Through their Assignee of Decree, }
M/s. Siddheshwar Developers, Latur, }
Through it Partner, }
Sattar s/o Saheblal Shaikh, }
Age:54 years, Occ. Business, }
R/o Maharashtra Carpet Area, Osmanpura, }
Latur, Tq. And Dist. Latur. }

6. Shripati S/o. Sanganna Gadekar }
Since deceased through his LR's }

6-A) Malu s/o Shripati Gadekar }
Age : 53 years, Occ: Agri. }
R/o. At Post Peth, }
Tq. & Dist. Latur. }

6-B) Kashibai W/o Rama Salunke }
Age: Major, Occu: Household, }
R/o. Peth Tq. & Dist. Latur }

6-C) Bitabai @ Shardabai W/o Narsing Khandare }
Since deceased through his LR's }

6-CA) Varsha W/o Achyut Barde }
Age : 31 years, Occ: Household }
R/o. 5 number Chowk, Latur }

Tq. & Dist. Latur. }
6-CB) Ayodhya W/o Muktaram Bingole }
Age : 33 years, Occ: Household }
R/o. Rohina, T1. Chakur, Dist. Latur }

6-CD) Radha W/o Balasaheb Gavhane }
Age : 29 years, Occ: Household }
R/o. Near Nandgaon Railway Station, }
Latur, Tq. & Dist. Latur. }

6-CE) Rahul S/o Narsing Khandare }
Age : 27 years, Occ: Agri }
R/o. Janwal Tq. Chakur, Dist. Latur }

6-D) Anusayabai D/o Shripati Gadekar }
Age : Major, Occ: Household }
R/o. Peth, Tq. & Dist. Latur, }

7) Raosaheb s/o Sada Gadekar }
Since died through his legal heirs }

7-A) Kedubai w/o Raosaheb Gadekar }
(Deceased) }

7-B) Kaushalayabi @ Sundarabai }
w/o Raosaheb Gadekar }
Age : 68 years, Occ: Household }
R/o. Vishnu Nagar, First Lane }
Near Alkabai Kagbati House, Nanded }
Dist. Nanded }

7-C) Kishore s/o Raosaheb Gadekar }
(deceased) Through L.Rs. }

7-C1) Pavan s/o Kishor Gadekar }
Age: 45 years, Occ. Agri. }
R/o. Peth, Tq. & Dist. Latur }

7-D) Vijaykumar s/o Raosaheb Gadekar }
Age: 45 years, Occ: Agri }
R/o. Peth, Tq. & Dist. Latur }

7-E) Surekha w/o Raosaheb Gadekar }
Age: 43 years, Occ: Agri. }

R/o. Peth, Tq. & Dist. Latur. }

7-F) Sukumar w/o Haridas Maindad }
Age : 41 years, Occ. Household, }
R/o. Chorakhadi, Tq. Kallam, }
Dist. Osmanabad. }

7-G) Usha Kamlakar Bansode }
Dead through L.Rs. }

7-GA) Kamlakar Baburao Bansode, }
Age- 55yrs, Occ- Business, }
R/o- Devgiri Nagar, Ambajogai Road, }
Latur, Tq & Dist- Latur. }

7-GB) Suraj s/o Kamlakar Bansode, }
Age- 33yrs, Occ- Service, }
Ro- As above. }

7-GC) Akash s/o Kamlakar Bansode, }
Age-30 yrs, Occ- Service, }
R/o- As above. }

7-GD] Sagar s/o Kamlakar Bansode, }
Age- 28 yrs, Occ- Service, }
R/o- As above. }

7-H) Jyoti w/o Nanasaheb Maindad }
Age: 28 years, Occ. Household, }
R/o. Chorakhali, Tq. Kallam, }
Dist. Osmanabad }

8) Mohd. Ismail Rokhmoddin Patel, }
Age : major, Occ. Business, }
R/o Dayaram Road, Near Godavari }
School, Latur, Tq. & Dist. Latur. }

9) Chandrabhagabai W/o Khandu Kandarphale, }
Age : major, Occ. Household, }
R/o Jawalge, Tq. & Dist. Latur. }

10) Narsingh S/o Venkoba Gaddime, }
Age : major, Occ. Agril, R/o Khopegaon, }
Tq. & Dist. Latur. }

11) Tulshiram S/o Narayan Ghayal, }
Age : major, Occ. Agril, R/o Khopegaon, }
Tq. & Dist. Latur. }

12) Nagnath S/o Narayan Ghayal, }
Age : major, Occ. Agril, }
R/o Khopegaon, Tq. & Dist. Latur. }

13) Komal W/o Vijaykumar Gadekar, }
Age : major, Occ. Agril, }
R/o Pashupathinath Nagar, }
Near Dudhale Peeth Girni, }
Latur, Tq. & Dist. }

14) Uday S/o Baburao Chaunda, }
Age : major, Occ. Agril, }
R/o Chaunda Complex, }
Rajiv Gandhi Chowk, Latur, }
Tq. & Dist. Latur. }

15) Shrimantrao Yeote Patil, }
Age: major, Occ. Agril, }
R/o Vasangaon, Tq. & Dist. Latur. }

16) Ashok s/o Dnyanoba Patil }
Age: 60 years, Occ. Agri. }
R/o. Vasangaon, Tq. & Dist. Latur. }

17) Shrikrishna S/o. Madhavrao Patil }
Age: 55 years, Occ. Agri. }
R/o. Vasangaon, Tq. & Dist. Latur }

18) Nandkishor S/o Ramniwasji Agrawal, }
Age: major, Occ. Agril, }
R/o Adarsha Colony, Latur, }
Tq. & Dist. Latur }

19) Vasant s/o Manoharrao Suryawanshi }
Age : 43 years, Occ. Agri. }
R/o. Arajkheda, Tq. Renapur, }
Dist. Latur. }

20) Balaprasad s/o Parasramji Bangad }
Age : 43 years, Occ. Business, }

R/o. Central Hanuman, }
Behind Garad Garden, Latur, }
Tq. and Dist. Latur. }

21) Nagorao s/o Narayanrao Pawar }
Age : 62 years, Occ. Retired & Agri. }
R/o. Ausa Road, Behind ICICI Bank, }
Latur, Tq. and Dist. Latur. }

22) Amol s/o Dhananjay Deshmukh }
Age : 27 years, Occ. Business, }
R/o. Behind Garad Garden, Latur, }
Tq. and Dist. Latur. }

..Respondents

WITH
WRIT PETITION NO. 8090 OF 2021
WITH
CIVIL APPLICATION NO. 2582 OF 2025
CIVIL APPLICATION NO. 12739 OF 2021
CIVIL APPLICATION NO. 5801 OF 2024

1. Vasant s/o Manoharrao Suryawanshi }
Age : 50 years, Occ. Agri. }
R/o. Arajkheda, Tq. Renapur, }
Dist. Latur. }

2. Balaprasad s/o Parasramji Bangad }
Age : 50 years, Occ. Business, }
R/o. Central Hanuman, }
Latur, Tq. and Dist. Latur. }

3. Nagorao s/o Narayanrao Pawar }
Age : 69 years, Occ. Retired & Agri. }
R/o. Ausa Road, Behind ICICI Bank, }
Latur, Tq. and Dist. Latur. }

4. Amol s/o Dhananjay Deshmukh }
Age : 35 years, Occ. Business, }
R/o. Behind Garad Garden, Latur, }
Tq. and Dist. Latur }

..Petitioners

Versus

1.	The State of Maharashtra, Through its Secretary, Revenue Department, Mantralaya, Mumbai-32.	} } } }
2.	The Collector, Latur, District Latur. The Taluka Inspector (Land Records), Tq. & Dist. Latur.	} } } }
4.	The Tahsildar, Latur, Tq. & Dist. Latur.	}
5.	Padminibai w/o Bhimrao Dhormare Since died through her Legal heirs	} }
5-A)	Rahibai w/o Dattu Bhande, Age : 83 years, Occ. Agri. R/o. Harwadi, Tq. Renapur, Dist. Latur.	} } } }
5-B)	Jaibai w/o Nagorao Gadekar, Age: 75 years, Occu: Agri., R/o. Ring Road, Latur.	} } }
5-C)	Shardabai w/o Machhindra Chendge, Age: 65 years, Occu: Agri., R/o. Peth, Tq. and Dist. Latur.	} } }
	Resp. No. 5-B and 5-C appearing Through their General Power of Attorney Holder, Shri Rajkumar (Girish) s/o Vaijnath Rachatte, Age : 47 years, Occ. Business, R/o. Majge Nagar, Latur, Tq. and Dist. Latur.	} } } } }
	Shripati S/o. Sanganna Gadekar Since deceased through his LR's	} }
6-A)	Malu s/o Shripati Gadekar Age : 53 years, OCc. Agri. R/o. At post Peth, Tq. & Dist. Latur.	} } }
6-B)	Kashibai W/o. Rama Salunke Age : Major, Occu. Household, R/o. Peth, Tq. & Dist. Latur.	} } }

5-C) Bitabai @ Shardabai W/o. Narsing Khandare }
Since deceased through her LR's }

6-CA) Varsha W/o. Achyut Barde }
Age : 31 years, Occu. Household, }
R/o.5 number Chowk, Latur, }
Ta. & Dist. Latur. }

6-CB) Ayodhya W/o. Muktaram Bingole }
Age: 33 years, Occu. Household, }
R/o. Rohina, Tq. Chakur, Dist. Latur. }

6-CC) Anita W/o. Dnyanoba Kokare, }
Age: 38 Years, Occu. Household }
R/o. Hippalgaon, Tq. Shirur-anatpal }
Dist. Latur. }

6-CD) Radha W/o. Balasaheb Gavhane }
Age: 29 years, Occu. Household, }
R/o. Near Nandgaon Railway Station, }
Latur, Tq. & Dist. Latur. }

6-CE) Rahul S/o. Narsing Khandare }
Age: 27 years, Occu. Agri., }
R/o. Janwal, Tq. Chakur, Dist. Latur. }

6-D) Anusayabai D/o. Shripati Gadekar }
Age: Major, Occu. Household, }
R/o. Peth, Tq. & Dist. Latur. }

7. Raosaheb s/o Sada Gadekar }
Since died through his legal heirs }

7-A] Kedubai w/o Raosaheb Gadekar }
(Deceased) }

7-B] Kaushalayabi @ Sundarabai }
w/o Raosaheb Gadekar }
Age: 68 years, Occ. Household }
R/o. Vishnu Nagar, First Lane }
Near Alkabai Kagbati House: }
Dist. Nanded. }

7-C] Kishore s/o Raosaheb Gadekar }

(deceased) Through L.Rs. }
7-C1] Pavan s/o Kishor Gadel }
Age: 28 years, Occu: Aril. }
R/o. Peth, Tq. and Dist. Latur }

7-D] Vijaykumar s/ o Raosaheb Gadekar }
Age: 45 years, Occ. Agri. }
R/o. Peth, Tq. & Dist. Latur. }

7-E] Surekha w/o Raosaheb Gadekar }
Age: 43 years, Occ. Agri. }
R/o. Peth, Tq. & Dist. Latur. }

7-F] Sukumar w/o Haridas Maindad }
Age: 41 years, Occ. Household, }
R/o. Chorakhadi, Tq. Kallam, }
Dist. Osmanabad. }

7-G] Usha w/o Kamlakar Bansode }
Age: 39 years, Occ. Household, }
R/o. Sham Nagar, Keshavraj Vidhyalaya, }
Latur, Dist. Latur. }

7-H] Jyoti w/o Nanasaheb Maindad }
Age: 28 years, Occ. Household, }
R/o. Chorakhali, Tq. Kallam, }
Dist. Osmanabad. }

8. Mohd. Ismail Rokhmoddin Patel, }
Age: major, Occ. Business, }
R/o Dayaram Road, Near Godavari }
School, Latur, Tq. & Dist. Latur. }

09. Narsingh S/o Venkoba Gaddime, }
Age: major, Occ. Agril, }
R/o Khopegaon, Tq. & Dist. Latur }

10. Tulshiram S/o Narayan Ghayal, }
Age: major, Occ. Agril, }
R/o Khopegaon, Tq. & Dist. Latur. }
11. Nagnath S/o Narayan Ghaya, }
Age: major, Occ. Agril, }
R/o Khopegaon, Tq. & Dist. Latur }

12. Komal W/o Vijaykumar Gadekar, }

Age: major, Occ. Agril, }
R/o Pashupathinath Nagar, }
Near Dudhale Peeth Girni, }
Latur, Tq. & Dist. Latur. }

13. Uday S/o Baburao Chaunda, }
Age : major, Occ. Agri, }
R/o Chaunda Complex, }
Rajiv Gandhi Chowk, }
Latur, Tq. & Dist. Latur. }

14. Manjiri W/o Vijaykumar Barole, }
Age : major, Occ. Agri, }
R/o Near Bullet Show Room, }
Rajiv Gandhi Chowk, Latur, }
Tq. & Dist. Latur. }

15. Pandurang Vyankoba Gaddime, }
Age : 78, Occ. Agri, }
R/o Vasangaon, Tq. & Dist. Latur. }

16. Ashok s/o Dnyanoba Patil }
Age: 60 years, Occ. Agri. }
R/o. Vasangaon, Tq. & Dist. Latur. }

17. Shrikrishna S/o. Madhavrao Patil }
Age: 55 years, Occ. Agri. }
R/o. Vasangaon, Tq. & Dist. Latur }

18. Suresh S/o Madhavrao Patil }
Age : Major, Occ. Agri. }
R/o. Vasangaon, Tq. & Dist. Latur }

19. Nandkishor S/o Ramniwasji Agrawal, }
Age: 75 Yrs, Occ. Agril, }
R/o Adarsha Colony, Latur, }
Tq. & Dist. Latur }

...Respondents

...

WRIT PETITION NO. 10636 OF 2021

Mr. N. D. Kendre, Advocate for the Petitioner.
Mr. Prashant R. Katneshwarkar, Senior Advocate i/by Mr. Suraj Gundre, Advocates for Respondent No.22
Mr. V. D. Sapkal Senior Advocate h/f Mr. S. R. Sapkal, Advocate for

Respondent Nos.28 to 31.
Mr. Dnyaneshwar B. Pokale, Advocate for Respondent No.5
Mr. A. D. Wange, AGP for Respondent Nos.1 to 4.
Mr. V. G. Sakolkar and Mr. S. V. Chandole, Advocates for Respondent Nos.14 & 15.
Mr. G. K. Sontakke (Pati), Advocate for Respondent Nos.16B to 16H.
Mr. T. M. Venjane, Advocate for Respondent No.24.

WRIT PETITION NO.8562 OF 2021
WITH CIVIL APPLICATION NO. 2582 OF 2025 AND
CIVIL APPLICATION NO. 4405/2024 AND CIVIL APPLICATION NO.8562/2021

Miss. Pradhnya Talekar, Advocate for the Petitioner.
Mr. Prashant R. Katneshwarkar, Senior Advocate i/by Mr. Suraj Gundre, Advocates for the Respondent Nos. 21 & 22
Mr. V. D. Sapkal Senior Advocate h/f Mr. S. R. Sapkal, Advocate for Respondent Nos.8 to 11.
Mr. Dnyaneshwar B. Pokale, Advocate for Respondent no.6/C.A
Mr. S. P. Katneshwarkar, Advocate for Respondent No.19.
Mr. A. D. Wange, AGP for Respondent Nos.1 to 4.
Mr. T. M. Venjane, Advocate for Respondent No.23.
Mr. V. G. Sakolkar and Mr. S. V. Chandole, Advocates for Respondent No.6A
Mr. N. D. Kendre, Advocate for Respondent No.18
Adv. Ashwin V. Sakolkar, Advocate for Respondent No.6B
Mr. G. K. Sontakke, Advocate for Respondent Nos.7B to 7H, 7G/A to 7G/D
Mr. S. S. Mahale, Advocate for Respondent No.17.
Mr. Mandagavale Hanmant B., Advocate for Respondent No.6

WRIT PETITION NO. 9805 OF 2021
WITH CIVIL APPLICATION NO. 10669 OF 2023

Mr. S. P. Katneshwarkar, Advocate for Petitioner.
Mr. Prashant R. Katneshwarkar, Senior Advocate i/by Mr. Suraj Gundre, Advocates for Respondent Nos. 16 & 17.
Mr. V. G. Kodale, Advocate for Respondent No.5/A.
Mr. D. B. Pokale, Advocate for Respondent No.6
Mr. V. G. Sakolkar and Mr. S. V. Chandole, Advocates for Respondent No.6A
Adv. Ashwin V. Sakolkar, Advocate for Respondent No.6B
Mr. T. M. Venjane, Advocate for Respondent No.18.
Mr. Suhas P. Urgunde, Advocate for Respondent Nos.5A to 5C.
Mr. A. D. Wange, AGP for Respondent Nos.1 to 4.

WRIT PETITION NO. 8090 OF 2021
WITH CIVIL APPLICATION NO. 2582 OF 2025
CIVIL APPLICATION NO. 5801 OF 2024
CIVIL APPLICATION NO. 12739 OF 2021

Mr. V. D. Sapkal Senior Advocate h/f Mr. S. R. Sapkal, Advocate for Petitioner.
Mr. V. G. Kodale, Advocate for Respondent No.5.
Mr. D. B. Pokale, Advocate for Respondent No.6C.A
Mr. Prashant R. Katneshwarkar, Senior Advocate i/by Mr. Suraj Gundre, Advocates for Respondent Nos.16 & 17.
Mr. S. P. Katneshwarkar, Advocate for Respondent No.14.
Mr. A. D. Wange, AGP for Respondent Nos.1 to 4.
Mr. T. M. Venjane, Advocate for Respondent No.19.
Mr. V. G. Sakolkar and Mr. S. V. Chandole, Advocates for Respondent No.13.
Adv. Ashwin V. Sakolkar, Advocate for Respondent No.6B
Mr. G. K. Sontakke, Advocate for Respondent Nos.7B to 7H, 7G/A to 7G/D.
Mr. A. D. Wange, AGP for Respondent Nos.1 to 4.

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CORAM	**:**	**SIDDHESHWAR S. THOMBRE, J.**
Reserved on	**:**	**16.02.2026**
Pronounced on	**:**	**27.02.2026**

JUDGMENT :

1. **Rule.** Rule made returnable forthwith. With the consent of the learned counsel for the parties, the petition is taken up for final hearing at the stage of admission.

2. Heard the learned counsel for the respective parties.

3. In all these petitions, the petitioners are aggrieved by the order dated 20/04/2021 passed by Learned Minister in File No.-Appeal-2020/case no.16/J-7A, whereby revision filed by Respondent

Nos. 5 to 9 (in WP No. 10636 of 2021) came to be allowed partly, thereby setting aside the order dated 30/11/2019 passed by Additional Commissioner, Aurangabad and directing Collector, Latur to execute the Decree as per the order dated 15/05/2019 passed by Collector, Latur.

4. The petitioners in WP No. 8562 of 2021 have also prayed for issuing a direction to the respondents to hand over possession of the land on the western side of Latur-Ausa Road from Gat Nos. 33 and 34, situated at Taluka Ausa, District Latur, in accordance with the measurement carried out on 21/07/2014 by the TILR, Latur.

5. In Writ Petition No.10636/2021, heard Mr. N. D. Kendre, Advocate for the petitioner, Mr. Prashant R. Katneshwarkar, Senior Advocate instructed by Mr. Suraj Gundre, Advocates for Respondent No.22, Mr. V. D. Sapkal Senior Advocate holding for Mr. S. R. Sapkal, Advocate for Respondent Nos.28 to 31, Mr. Dnyaneshwar B. Pokale, Advocate for Respondent No.5, Mr. A. D. Wange, AGP for Respondent Nos.1 to 4, Mr. V. G. Sakolkar and Mr. S. V. Chandole, Advocates for Respondent Nos.14 & 15, Mr. G. K. Sontakke (Pati), Advocate for the Respondent Nos.16B to 16H and Mr. T. M. Venjane, Advocate for Respondent No.24.

5.1 In Writ Petition No.8562/2021, heard Miss. Pradhnya Talekar, Advocate for the petitioner, Mr. Prashant R. Katneshwarkar, Senior Advocate instructed by Mr. Suraj Gundre, Advocates for the

Respondent Nos. 21 & 22, Mr. V. D. Sapkal Senior Advocate holding for Mr. S. R. Sapkal, Advocate for Respondent Nos.8 to 11, Mr. Dnyaneshwar B. Pokale, Advocate for Respondent no.6/C.A, Mr. S. P. Katneshwarkar, Advocate for Respondent No.19, Mr. A. D. Wange, AGP for Respondent Nos.1 to 4, Mr. T. M. Venjane, Advocate for Respondent No.23, Mr. V. G. Sakolkar and Mr. S. V. Chandole, Advocates for Respondent No.6A, Mr. N. D. Kendre, Advocate for Respondent No.18, Adv. Ashwin V. Sakolkar, Advocate for Respondent No.6B, Mr. G. K. Sontakke, Advocate for the Respondent Nos.7B to 7H, 7G/A to 7G/D, Mr. S. S. Mahale, Advocate for Respondent No.17 and Mr. Mandagavale Hanmant B., Advocate for Respondent No.6.

5.2 In Writ Petition No.9805/2021, heard Mr. S. P. Katneshwarkar, Advocate for Petitioner, Mr. Prashant R. Katneshwarkar, Senior Advocate instructed by Mr. Suraj Gundre, Advocates for the Respondent Nos. 16 & 17, Mr. V. G. Kodale, Advocate for Respondent No.5/A, Mr. D. B. Pokale, Advocate for Respondent No.6, Mr. V. G. Sakolkar and Mr. S. V. Chandole, Advocates for Respondent No.6A, Adv. Ashwin V. Sakolkar, Advocate for Respondent No.6B, Mr. T. M. Venjane, Advocate for Respondent No.18, Mr. Suhas P. Urgunde, Advocate for Respondent Nos.5A to 5C and Mr. A. D. Wange, AGP for Respondent Nos.1 to 4.

5.3 In Writ Petition No.8090/2021, heard Mr. V. D. Sapkal Senior Advocate holding for Mr. S. R. Sapkal, Advocate for Petitioner, Mr. V. G. Kodale, Advocate for Respondent No.5, Mr. D. B. Pokale, Advocate for Respondent No.6C.A, Mr. Prashant R. Katneshwarkar, Senior Advocate instructed by Mr. Suraj Gundre, Advocates for the Respondent Nos.16 & 17, Mr. S. P. Katneshwarkar, Advocate for Respondent No.14, Mr. A. D. Wange, AGP for Respondent Nos.1 to 4, Mr. T. M. Venjane, Advocate for Respondent No.19, Mr. V. G. Sakolkar and Mr. S. V. Chandole, Advocates for Respondent No.13, Adv. Ashwin V. Sakolkar, Advocate for Respondent No.6B, Mr. G. K. Sontakke, Advocate for Respondent Nos.7B to 7H, 7G/A to 7G/D and Mr. A. D. Wange, AGP for Respondent Nos.1 to 4.

6. Heard learned counsel for the petitioner, Ms. Pradnya Talekar in Writ Petition No. 8562 of 2021, Mr. V. D. Sapkal, learned Senior Advocate for the petitioner in Writ Petition No.8090/2021, for Respondent Nos.8 to 11 in Writ Petition No.8562 of 2021 and for Respondent Nos.28 to 31 in Writ Petition No.10636 of 2021.

7. Ms. Pradnya Talekar, learned counsel for the Petitioner submits that one of the reason for the decree not being executed is that the Respondents and Revenue Authorities were deliberately prolonging the litigation despite this Court having issued directions in Writ Petition Nos. 1738 of 2005 and 8690 of 2010 to the Collector to give effect to the decree passed but the Revenue Authorities were bent upon to favour the

subsequent purchasers. She further submits that the map which was prepared by the TILR, Latur on 16/12/2013 wherein the TILR, Latur has shown the properties of all the concerned including the tenants, and same serves the purpose of all the parties. She further submits that the tenants had already submitted an affidavit to that effect and despite that the District Collector, Latur has unnecessarily created complications. The partition needs to be effected as per the map prepared by TILR, Latur on 16/12/2013.

8. Mr. V. D. Sapkal, Senior Counsel also submits that the Collector, Latur must be directed to act upon and effect the partition as per the map dated 16/12/2013 prepared by the TILR, Latur and invited my attention order passed by this Court Writ Petition Nos. 1738 of 2005 and 8690 of 2010.

9. Mr. Prashant R. Katneshwarkar, Senior Advocate submits that in fact an objection raised before the Collector, Latur was kept pending and same is still pending before the Collector, Latur and prayed that the necessary direction be issued to the Collector to consider the said objection while effecting the partition.

10. *Per contra*, learned counsel Mr. Sakolkar and Mr. Chandole, Advocates for Respondent No.6A in Writ Petition No.9805 of 2021 and Mr. Prashant R. Katneshwarkar, learned Senior Advocate for Respondents

No.22 in Writ Petition No.10636 of 2021, for Respondent Nos.21 & 22 in Writ petition No.8562 of 2021, for Respondent Nos.16 & 17 in Writ Petition No.9805 of 2021 and for Respondent No.14 in Writ Petition No.8090 of 2021 submits that the learned Minister has rightly directed the Collector to execute the decree as per order passed by Collector, Latur on 15/05/2019. Mr. S. V. Chandole submits that merely because the consent was recorded by the tenants, the same cannot run contrary to the law and the Collector, Latur has to act in accordance with the decree passed and the area of the tenants ought to have been shown in the map.

11. There is a chequered history of litigation between the parties. One Chandrabhagabai W/o Khandu Kandarphale, granddaughter of Sada Satba Gadekar, had instituted a suit for partition and separate possession, being Regular Civil Suit No. 236 of 1974. The total land sought to be partitioned admeasuring 86 Acres and 39 R, forming the suit property, is described as under:–

Sr No.	Gut No./Survey No.	Village	Area	
			Acres	Gunthas
1	33(24)	Wasangaon	34	29
2	34(25)	Wasangaon	16	28
3	2/A	Khopegaon	19	01
4	2/B	Khopegaon	05	--
5	2/C	Khopegaon	05	--
6	75/D	Peth	06	21
		Total	86	39

12. The record reveals that after filing of the suit, portions of the suit property came to be transferred. Land bearing Gat Nos. 2-A, 2-B and 2-C, situated at Khopegaon, admeasuring 29 Acres and 1 Guntha, was transferred on 27/06/1960 in favour of original defendant Nos. 3 to 6 (Respondent Nos. 18 to 20 and 23 in WP No. 10636 of 2021) by original defendant No. 1 – Raosaheb Gadekar (original owner). Similarly, land bearing Gat No. 33, admeasuring 34 Acres 29 Gunthas, situated at Wasangaon, was purchased by Ashok Patil and Shrikrishna Patil (original defendant Nos. 8 and 9) (Respondent Nos. 25 and 26 in WP No. 10636 of 2021) from original defendant No. 1 – Raosaheb Gadekar (original owner) during the pendency of the civil suit. The learned Trial Court, by its Judgment and Order dated 13/09/1982, decreed Regular Civil Suit No. 236 of 1974. The suit came to be decreed in terms of paragraph No. 1 and 2, which reads thus :–

> *1. It is hereby declared that the plaintiff (Chandrabhagabai) has 1/12th share, the defendant No.1 (Raosaheb, Original owner) has 2/3rd share, the defendant No.2 (Padminibai) has 1/6th share and defendant No.7 (Rahibai) has 1/12th share in the suit properties mentioned in the plaint.*
>
> *2. The decree be sent to the Collector for partition of suit lands and for possession with a direction to allot the property purchased by defendant No.3 to 6 to the share of defendant No.1 as far as possible and a Commissioner be appointed in execution proceedings for partition and separate possession of house properties mentioned in the suit."*

13. Thereafter, the subsequent purchasers preferred appeals, being Regular Civil Appeal No. 191 of 1982 and Regular Civil Appeal No. 193

of 1982. The learned lower Appellate Court dismissed the said appeals and confirmed the decree passed in Regular Civil Suit No. 236 of 1974. While dismissing the appeals, the learned Appellate Court, in paragraph No. 24 of its Judgment, observed that defendant Nos. 3, 8 and 9 (Respondent Nos. 23, 25 and 26 in WP No. 10636 of 2021) had purchased the suit property during the pendency of the suit and were, therefore, not entitled to protection under the provisions of the Transfer of Property Act, 1882. Consequently, they could not be regarded as bona fide purchasers.

14. Being aggrieved thereby, two separate Second Appeals bearing Nos. 271 of 1989 and 565 of 1992, were preferred before this Court. This Court dismissed both the Second Appeals by its order dated 19/10/1992.

15. The record further reveals that, during the relevant period, tenancy proceedings were also pending in respect of the property of Raosaheb situated at village Wasangaon, bearing Gat Nos. 33 and 34. After multiple rounds of litigation from Tahsildar to Maharashtra Revenue Tribunal, the tenants approached this Court by filing Writ Petition No. 739 of 1986, seeking possession of the declared land. This Court, by its Judgment and Order dated 25/06/2004, allowed the said Writ Petition.

16. While allowing the petition, this Court observed in Paragraph No. 12 that the transfers effected by way of sale after 30/01/1960 in favour of any of the respondents, in respect of the land covered by the declaration made in favour of Shripati Gadekar (Respondent No. 6 in WP No. 8562 of 2021) were void ab initio, and that the Collector was required to disregard such transfers while taking steps for execution and delivery of possession.

17. As the decree in Regular Civil Suit No. 236 of 1974 came to be confirmed by this Court vide its order dated 19/10/1992 passed in Second Appeals and the same was sent for execution to Collector, Latur. Accordingly, the Revenue Authority prepared the map so as to allot the portion of Gat No. 33 from western side of Latur-Ausa Road to the tenants. Simultaneously, the tenants also initiated proceedings before the Collector by filing appropriate applications seeking delivery of possession of the land declared in their favour.

18. The Deputy Collector (Land Reforms) directed the TILR, Latur, to carry out measurement of the land so as to identify the decretal property from Gat Nos. 33 and 34 situated at village Wasangaon. Pursuant thereto, a map was prepared by the TILR, Latur, showing land admeasuring 3 Hectares 46 Ares on the western side of Gat No. 33 and 1 Hectare 73 Ares from eastern side of the Latur-Ausa Road from Gat No. 34. In the

said map, the land admeasuring 3 Hectares 46 Ares on the western side of Gat No. 33 was shown in blue colour, whereas the remaining portion was indicated in yellow. The said map was duly approved by the Deputy Collector (Land Reforms).

19. The record further reveals that the total holding of the original owner at Wasangaon, Peth and Khopegaon was 86 Acres and 39 R. Out of the said land, 34 Acres 39 Gunthas was from Gat No. 33 and the remaining land admeasuring 16 Acres 28 Gunthas formed part of Gat No. 34 at Wasangaon, aggregating to 51 Acres and 17 Gunthas situated at Wasangaon. The tenants were declared owners in respect of land admeasuring 17 Acres 14 Gunthas in Survey No. 24 (Gat No. 33) and 4 Acres 16 Gunthas in Gat No. 34 at Wasangaon.

20. The record further indicates that the subsequent purchasers of land bearing Gat Nos. 33 and 34, situated at village Wasangaon, challenged the order dated 04/01/2005 passed by the Deputy Collector (Land Reforms) by filing Writ Petition Nos. 1738 of 2005, 2447 of 2005, 7506 of 2005, 2061 of 2006 and 2358 of 2006.

21. This Hon'ble Court, by its order dated 19/12/2006, dismissed all the aforesaid Writ Petitions. While doing so, this Court observed in paragraphs 6, 7 and 8 as under:–

"6. Learned A.G.P. has brought to my notice from the record that a map has already been drawn by the Collector with the help of the T.I.L.R. The tenant is not entitled to claim any particular portion in view of the directions of this Court as per final order rendered by Justice B.H.Marlapalle, and he will have to accept the possession either from eastern side or western side of the road as per the availability of the land. It appears that a partition decree was rendered in the meanwhile and Padminibai W/o Bhimrao Dhormare, who is daughter of deceased landlord Sadashiv, is allotted the western 3 hectares 46 Ares area out of land Gat No.33. The said portion is shown by blue colour in the map drawn by the T.I.L.R. The learned counsel for the tenants and learned counsel for the legal representatives of the owner are ready and willing to accommodate share of Smt.Padminibai as proposed i.e. on western side of the land Gat No.33. There remains hardly any land to specify the description of the declared land and, therefore, the tenant cannot be inducted in the entire share out of Gat No.33 from western side of Ausa-Latur road. He may not get the land on western side if such kind of adjustment is considered.

7. Though the order passed by the Deputy Collector (L.R.) Latur on 1.6.1985 would show that the description of the declared land is from western side of both the survey numbers i.e. S.No.24 and S.No.25 yet, while adjusting the equities, it is difficult to give such demarcated portion to the tenant, particularly, when the directions of this Court allowed use of discretion and flexibility to the Collector. The Collector has done the work and has taken necessary steps in pursuance to the said directions. It would appear from the tenor of the present petitions, that the subsequent purchasers, and some of them who have raised kachha construction, may be overnight, are bent upon obstructing the execution of the orders and induction of the tenant in the lands in question. It is necessary for the Collector, therefore, to take stern steps in order to remove all such obstruction while inducting the tenant in possession. If required, the Collector may take over possession of the land before the tenant is inducted in the portion demarcated for such allotment.

8. Since it is noticed that the learned Collector has taken due care to save Pakka construction as far as possible and there is no specific right of the petitioners, which is likely to be obliterated, I do not find any substance in these petitions. Consequently, all these petitions are hereby dismissed in limine. No costs."

22. Further, while dismissing the petitions in limine, this Court directed the Collector to execute the order without further delay and, as far as possible, within a period of one month.

The record further reveals that the order dated 19th December, 2006 passed in Writ Petition No. 1738 of 2005 was challenged by filing

Letters Patent Appeal Nos. 1 of 2007, 2 of 2007 and 83 of 2006. The Hon'ble Division Bench of this Court, by its Judgment and Order dated 16/07/2008, dismissed all the three appeals.

23. Being aggrieved thereby, the concerned parties preferred Special Leave Petition (Civil) CC No. 11921 of 2008 and SLP (Civil) No. 12002 of 2008 before the Hon'ble Apex Court. The Hon'ble Supreme Court, by its order dated 08/09/2008, dismissed the said Special Leave Petitions, thereby confirming the Judgment and Order passed by this Court in Writ Petition No. 1738 of 2005 as well as in the Letters Patent Appeals.

24. The Petitioners filed Writ Petition No. 3379 of 2009 before this Court challenging the location of tenanted land and land awarded to the Decree Holders which came to be disposed on 05/06/2009. Petitioners filed Review Application No. 89 of 2009 which was disposed on 17/06/2009 with necessary clarification. Thereafter, contempt Petitions were filed whereby compliance report was called for. The Deputy Collector, Latur handed over possession of land admeasuring 4 Acres 16 Gunthas on the western side of Latur-Ausa Road to tenants but the rest of the partition was kept in abeyance. Subsequent purchasers filed Writ Petition Nos. 8690 of 2010 and 350 of 2012. The record further discloses that Writ Petition Nos. 8690 of 2010 and 350 of 2012 were filed challenging the order dated 18/09/2010 passed by the Collector, Latur. In

the said petitions, a prayer was made for deletion of the proposed share of original defendant No. 7-Rahibai (Respondent No.5 in WP No. 8562 of 2021) from land bearing Gat No. 34 and for issuance of directions to carry out fresh measurement of the property. The notice dated 04/12/2011 were issued by the Collector, to the extent it pertained to Gat No. 34, and sought restitution of possession to the extent of 1 Hectare 5 R, allegedly handed over under a panchanama dated 09/12/2011 to Padminibai or her heir, were also challenged in Writ Petition No. 350 of 2012.

25. This Court, by its order dated 06/05/2013, disposed of the said petitions and passed the following order:–

> *"(i) Writ petition No. 8690/2010 is allowed in terms of prayer clause (C) and (D).*
> *(ii) Writ Petition No. 350/2012 is allowed in terms of prayer clause (B) and (C).*
> *(iii) The parties shall appear before the authorities on 27*h May, 2013.*
> *(iv) The authority shall consider all suit lands from Vasangaon, Khopegaon and Peth for effecting the partition. So also, the authorities will keep in mind the decree passed by the trial Court and more particularly clause No.2 of the operative part of the judgment and decree (in R.C.S. No. 236/1974) as referred to above while distributing the lands as per the shares carved out by the Civil Court. So also, the judgment and order dtd.19.12.2006 delivered by the learned Single Judge of this Court in Writ Petition No. 1738/2005 and other connected matters.*
> *(v) The authorities shall make endeavour to complete the said process of partition by metes and bound within a period of six months from the date of appearance including that of tenants."*

26. Further, Review Application Nos.04/2014 and 05/2014 were filed against Writ Petition No.8690/2010, which was disposed of on 08/01/2014, whereby this Court clarified that while effectuating

partition observations made by this Court in its order dated 19/10/1992 passed in Second Appeal No.565/1992 shall be considered.

27. The TILR, Latur had prepared a map so as to effect partition by metes and bounds by carving out shares of all parties concerned including tenants. The tenants admitted the map prepared by TILR, Latur to be correct by filing an affidavit before the Collector, Latur on 10/03/2014. The tenants were put in possession of the land and measuring 4 Acres 16 Gunthas in survey number 25 (Gat No. 34). Thereafter, a series of litigation before the Revenue Authorities proceeded.

28. Pursuant to the order passed by this Court in Writ Petition No. 8690 of 2010 with Writ Petition No. 350 of 2012, the Deputy Collector (Land Reforms) issued notices to the concerned parties. The record indicates that a fresh map was prepared on 07/08/2013 whereby area of land given to the decree holders was reduced. Thereafter, it appears that the Collector, Latur, passed an order dated 21/07/2016, seeking guidance as to whether the decree was to be executed in terms of the directions issued by this Court in Writ Petition No. 1738 of 2005.

29. Being aggrieved by the said order dated 21/07/2016, whereby such guidance was sought, respondent Nos. 5A, 6-CA to 6-CD, 21, 22 and 23 preferred separate appeals before the Additional Divisional

Commissioner, Aurangabad. The Additional Divisional Commissioner dismissed all the appeals and confirmed the order dated 21/07/2016. While dismissing the appeals on 21/07/2016, the Additional Divisional Commissioner directed to correct the defect in the operative part of the order dated 21/07/2016 and further directed execution of the decree as expeditiously as possible.

30. The record further reveals that the legal heirs of the tenants, namely respondent Nos. 6-CA to 6-CD, preferred proceedings before the learned Minister of State for Revenue challenging the order dated 26/04/2017 passed by the Additional Divisional Commissioner. The learned Minister of State for Revenue allowed the Revision partly on 28/08/2017 and set aside the order dated 26/04/2017 passed by the Additional Divisional Commissioner, Aurangabad, and directed the Collector, Latur, to consider the Judgment and Order dated 28/06/2004 passed by this Court in Writ Petition No. 739 of 1986, as well as the order dated 1st June, 1985 passed by the Deputy Collector, Latur, and remanded the matter for fresh decision.

31. The petitioners thereafter approached this Hon'ble Court by filing Writ Petition (Stamp) No. 30689 of 2019 challenging the Judgment and Order dated 28/08/2017 passed by the learned Minister of State for Revenue. However, the record discloses that the registration of the said petition came to be refused for non-removal of office objections.

32. Petitioners and the Respondents appeared before the Collector, Latur pursuant to the order of learned Minister. The Collector, Latur passed an order dated 15/05/2019. Being aggrieved thereby, some parties preferred appeals before the Additional Divisional Commissioner, who by its order dated 30/11/2019, allowed the appeals partly and confirmed the map drawn by the TILR, Latur on 16/12/2013.

33. The record further reveals that the legal heirs of the tenants (respondent nos.6-CA to 6-CE in Writ Petition No.8562/2021) approached the learned Minister of State for Revenue by filing Revision Application No. 16 of 2020. The learned Minister of State for Revenue, by Judgment and Order dated 20/04/2021, allowed the Revision partly and set aside the order dated 30/11/2019 passed by Additional Divisional Commissioner, Aurangabad.

34. In view of the aforesaid chequered history, the controversy now survives only to the extent of execution of the decree, more particularly as to which side of the land is to be allotted to the tenants.

The Collector prepared a chart indicating the area to be allotted to the parties along with ready reckoner rate (at page 229 of the petition). However, upon perusal of the said order and Table No. A therein, it appears that without assigning cogent reasons, the Collector merely observed that necessary guidance was required to be sought in that

regard. The said order came to be challenged before the Additional Divisional Commissioner.

35. The Additional Divisional Commissioner, by order dated 26/04/2017, directed that the defect in the operative part of the order dated 21/07/2016 be corrected and further directed execution of the decree as expeditiously as possible.

36. Thereafter, when the said order was challenged before the learned Minister of State for Revenue, the learned Minister set aside the order of Additional Divisional Commissioner, Aurangabad and directed Collector, Latur to follow the Judgment of this Court in Writ Petition No. 739 of 1986 and the order dated 01/06/1985 passed by Deputy Collector, Latur and remanded the matter to the Collector, Latur for fresh decision.

37. It further appears that an affidavit was filed before the Collector, Latur on behalf of the tenants, Malu Shripati Gadekar (at page 171 of Writ Petition No. 8090 of 2021), stating that the issue regarding tenancy in respect of Gat Nos. 33 and 34 situated at village Wasangaon had attained finality. It was pointed out that the purchasers in possession, including Ashok and Shrikrishna Patil had preferred Special Leave Petitions before the Hon'ble Supreme Court, which came to be dismissed on 08/09/2008. It was also stated in affidavit that in Writ Petition No. 8690 of 2010, the earlier Judgment in Writ Petition No. 1738 of 2005 had

been confirmed and, pursuant thereto, the authority had prepared the map. According to the said affidavit, the map clearly demarcates the tenanted portion in terms of the above judgments and the land identified therein is required to be delivered to the tenants.

38. This Court, in Writ Petition No. 1738 of 2005 and connected matters, by order dated 19/12/2006, has observed in paragraphs 6 and 7 (as referred herein above) that the learned counsel for the tenants and the learned counsel for the legal representatives of the landowner were ready and willing to accommodate the share of Padminibai in respect of land on western side of Gat No. 33. It was observed that very little land remained for specific demarcation and, therefore, the tenants could not insist upon allotment of land from western side of Latur-Ausa Road. He could not get the land on western side if such kind of adjustment was considered.

39. This Court further observed that the order passed by the Deputy Collector (Land Reforms) indicated that the description of the declared land was from the western side of Survey Nos. 24 and 25, yet while adjusting equities, it was difficult to give such demarcated portion to the tenants, particularly when the direction of this Court allowed use of discretion and flexibility to the Collector.

40. Once this Court has recorded specific findings and issued directions to the Collector, Latur, the learned Minister was not justified in again directing the Collector to demarcate the boundaries strictly in terms of the order dated 1st June, 1985 passed by the Deputy Collector, Latur.

41. The order dated 19/12/2006 passed by this Court in Writ Petition No. 1738 of 2005 and connected matters has attained finality, having been confirmed by the Hon'ble Apex Court. The said order is, therefore, binding upon all the parties and the authorities.

42. It is useful to refer to paragraphs Nos.16 and 17 of the order in Writ Petition No. 8690 of 2010, which are reproduced as follows:-

> *"16. In addition to the above flaw, the fact that only part of the property could not have been considered for partition, the said notice dated 04.12.2011 cannot be sustained, and as such, is required to be set aside and is hereby set aside. The possession delivered pursuant thereto also cannot be upheld.*
>
> *17. The decree is passed by the Civil Court. Revenue authorities will have to honour and respect the decree passed by the Civil Courts and will have to execute the decree in its true letter and spirit. As stated above, the authorities shall take into consideration all the properties involved in the suit and then prepare the chart of allocation of the shares. It will have to consider the quality so also valuation of the land. While allotting the shares, equity will have to be adjusted, so also, observations made in the decree and operative part will also have to be respected. The authorities shall thereafter execute the decree after considering the say of the parties with regard to allocation of the shares."*

This Court in Review Application Nos.04/2014 and 05/2014 filed against Writ Petition No.8690/2010, has stated in Paragraph No.14 as follows :

> *14. In light of the above, the review applications are disposed of with clarification that while effectuating partition, the observations made by this*

Court in its Order dated 19/10/1992 in S.A. No. 565 of 1992 shall also be considered, which reads as under :

> *" The plaintiffs' share to the extent of 4/12th is carved out then the appellants' liability is that share to the extent of 4/12th be handed over to the respondentsplaintiffs. No doubt they are entitled to retain the property which has been earmarked or given to the share of Raosaheb. These appellants can only become the owner to the extent of Raosaheb's share and not beyond that".*

This Court has categorically observed that the decree is passed by the Civil Court and that the Revenue Authorities are bound to honor and respect the same and execute it in its true letter and spirit.

43. This Court had also directed the authorities to consider all the suit lands situated at Wasangaon, Khopegaon and Peth for effecting partition, and to bear in mind the observations made in Second Appeal Nos. 271 of 1989 and 565 of 1992, as well as the Judgment delivered in Writ Petition No. 1738 of 2005 and connected matters.

44. Despite these specific and binding directions, it appears that the Collector, Latur, instead of executing the decree in its true spirit, has passed orders creating ambiguity and thereby delayed execution. Once there are clear directions issued by this Court to execute the decree pursuant to the order in Writ Petition No. 1738 of 2005 and connected matters, neither the Collector nor the State Minister could have issued directions contrary thereto.

45. The Collector, Latur is required to effect the partition as per the

judgment and order passed by the Civil Court as the same is confirmed in series of litigation till the Hon'ble Apex Court. The learned Minister or Collector or Commissioner are not the competent authorities to decide the right of the parties in the execution proceeding sent to it by a Civil Court and Collector is only required to act in accordance with the order passed by this Court and to give effect to the decree.

46. The impugned order passed by the State Minister in Revision Application No. 16 of 2020, directing execution in terms of the order passed in Writ Petition No. 739 of 1986 dated 28/06/2004, and order passed by Deputy Collector dated 01.06.1985 is contrary to the order passed by this Court in Writ Petition No. 1738 of 2005 and subsequent proceedings. The said order, therefore, cannot be sustained in the eyes of law. Accordingly, the Writ Petitions deserve to be allowed. Hence, I proceed to pass following order:-

ORDER

1) The Writ Petitions are allowed.
2) The order dated 20/04/2021 passed by learned State Minister in File No.-Appeal-2020/case no.16/J-7A is quashed and set aside.
3) District Collector, Latur, is directed to effect partition strictly in terms of the order passed by this Court on 19.12.2006 in Writ Petition No. 1738 of 2005 along with Writ Petition

Nos.2847/2005, 7506/2005, 2061/2006 and 2358/2006 and also in terms of orders passed by this Court on 06.05.2013 in Writ Petition No.8690/2010 along with order passed on 08.01.2014 in Review Application Nos.04/2014 and 05/2014 in Writ Petition No.8690/2010.

4) The District Collector, Latur, is directed to complete the entire exercise within a period of two months from today and submit a compliance report to this Court. Considering the fact that the decree in Regular Civil Suit No. 236 of 1974 has remained un-executed for a considerable period on account of repeated proceedings before the Revenue Authorities.

5) In view of disposal of Writ Petitions, pending civil applications, if any, are also disposed of.

6) Rule is made absolute in the above terms. No order as to costs.

[SIDDHESHWAR S. THOMBRE]
JUDGE