

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.4057 OF 2013

Syed Sabir Allahbaksh Kazi & others

Petitioners

Versus

The State of Maharashtra and others

Respondents

Mr.N.R. Bhavar advocate for the petitioners
Mr.S.G. Karlekar, AGP for Respondent No.1 to 5
Mr. S.S. Shaikh advocate for respondent No.18

CORAM : R.M. BORDE &
P.R. BORA, JJ

Dated : 4th AUGUST, 2015.

PER COURT :-

1 The petitioners claim entitlement in respect of certain properties, which are leased out, in favour of Maharashtra State Farming Corporation, by the predecessor of the petitioners.

2 The contentions raised by the petitioners in respect of their entitlement to claim such of those properties is seriously disputed by the respondents. The respondent contends that the petitioners cannot claim to be the heirs of the deceased land lord and are not entitled to claim the properties.

3 It is not a matter of dispute that, the application tendered by the petitioners to the Civil Court, requesting to issue heirship certificate is pending consideration, in the Court of Civil Judge,

Senior Division, Kopargaon. The respondents, herein, have raised an objection for issuance of the heirship certificate, as requested by the petitioners.

4 In the facts and circumstances of the case, the ends of justice would be met by directing the Civil Judge, Sr. Division, Kopargaon, before whom an application being MARJI No.24/2013 is pending, to decide the same expeditiously and preferably within a period of six months, from today, after extending opportunity of hearing to the parties. After decision on the application, tendered by the petitioners, in respect of issuance of heirship certificate, the matter in respect of return of lands, to the petitioners or the others, including the respondents, shall be taken up for consideration by the respondents. The respondent may determine the issue in respect of return of the land, either to the petitioners or the respondents or any other interested person, in accordance with law, as expeditiously as possible and preferably within a period of six months from the date on the decision on the application, tendered by the petitioners with the Civil Court. Until the issuance of the orders determining the entitlement of the petitioners or others for return of the land, leased in favour of the Farming Corporation, statusquo prevailing as on today shall be maintained.

5 With the directions as above, writ petition stands disposed-
of.

6 Pending Civil applications do not survive and stand disposed
of.

7 It is clarified that, this Court has not expressed any opinion,
as regards entitlement of the petitioners or others, in respect of
the properties, involved in the petition and it would be open for
the respondent authorities to take appropriate decision, in
accordance with provisions of law.

(P.R. BORA, J)

(R.M.BORDE, J)

vbd