

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

WRIT PETITION NO.2470 OF 2014

(Shri Rewagir s/o Sadashiv Gaikwad and others ..vs.. The Member, Maharashtra Revenue Tribunal,
Nagpur and others)

WITH

WRIT PETITION NO.2471 OF 2014

(Shri Arun s/o Natthuji Lote ..vs.. The Member, Maharashtra Revenue Tribunal, Nagpur and others)

WITH

WRIT PETITION NO.2472 OF 2014

(Shri Manik s/o Shankarrao Barahate ..vs.. The Member, Maharashtra Revenue Tribunal, Nagpur and
others)

WITH

WRIT PETITION NO.2473 OF 2014

(Shri Udaramji s/o Maroti Uike and another ..vs.. The Member, Maharashtra Revenue Tribunal,
Nagpur and others)

WITH

WRIT PETITION NO.2474 OF 2014

(Shri Anandrao s/o Daulatrao Salotkar ..vs.. The Member, Maharashtra Revenue Tribunal, Nagpur
and others)

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

Court's or Judge's orders

CORAM : Z.A. HAQ, J.

DATED : 05-10-2015

Heard Shri A.R. Ingole, learned Advocate for the petitioners and Shri A.M. Deshpande, learned Assistant Government Pleader for the respondent Nos.1 and 2.

2. The petitions are disposed by common order as the matters are decided by common judgment by the Maharashtra Revenue Tribunal.

3. The petitioners have challenged the order passed by the Maharashtra Revenue Tribunal, dismissing the revision filed by the petitioners and upholding the order

passed by the Deputy Collector (Land Reforms) under the provisions of the Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1961.

4. The contention of the petitioners is that the agricultural lands purchased by the purchasers from the respondent No.3-Deosthan are declared as surplus overlooking the sale-deeds executed by the Deosthan in favour of the petitioners and the fact that the sale-deeds are executed prior to the commencement date i.e. prior to 02-10-1970.

5. The Tribunal has considered all the relevant aspects properly. The Tribunal has recorded that at some point the Deosthan urged that the suit lands are not owned by the Deosthan but litigation in respect of the suit lands was going on in which Shri Nathuram Paliwal and Gopikisan claimed that the suit lands belong to them. The Tribunal has recorded that Shri Aaidan-Managing Trustee of the Deosthan has transferred the suit lands to the petitioners, after the commencement date. The Tribunal has recorded that the Deosthan has shown the suit lands in its return as the property of the Deosthan. The findings of fact recorded by the Tribunal that the managing trustee Shri Aaidan has sold the suit lands in contravention of Section 8 of the Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1961 are based on proper appreciation of

evidence on the record. The petitioners have not been able to point out any perversity in the findings recorded by the Maharashtra Revenue Tribunal. I see no reason to interfere with the impugned order. The petitions are dismissed. In the circumstances, the parties to bear their own costs.

6. Shri A.R. Ingole, learned Advocate for the petitioners prays that this order be kept in abeyance for eight weeks to enable the petitioners to take steps in the matter. Though the prayer is opposed by the learned Assistant Government Pleader for the respondent Nos.1 and 2, considering the fact that the possession of the petitioners was protected during the pendency of the proceedings before the Maharashtra Revenue Tribunal and also during the pendency of this petition, this order is kept in abeyance for eight weeks.

JUDGE