

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO.2605 OF 2016

- 1) Uttam s/o Shankar Dhanwade,
R/o-Jogeshwari Akhada,
Tq-Rahuri, Dist-Ahmednagar,
- 2) Gorakhnath s/o Gangadhar Dhanwade,
- 3) Rohidas s/o Shankar Dhanwade,
- 4) Parasram s/o Deorao Dhanwade,
- 5) Rupchand s/o Shankar Dhanwade

...PETITIONERS

VERSUS

- 1) The State of Maharashtra,
Through the Secretary,
Co-operation, Marketing & Textile
Department, Mantralaya, Mumbai-32,
- 2) The Director of Handloom, Powerloom
and Textile, Nagpur,
- 3) The District Collector and
The Liquidator of the Rahuri
Taluka Shetkari Sahakari Sutgirni
Ltd. Rahuri, Dist-Ahmednagar,
- 4) The District Deputy Registrar of
Co-operative Societies, Ahmednagar,

- 5) The Tahsildar,
Rahuri, Tq-Rahuri, Dist-Ahmednagar,
- 6) The Rahuri Taluka Shetkari Sahakari
Sutgirni Ltd., Rahuri, Dist-Ahmednagar,
Through its Chairman.

...RESPONDENTS

...
Mr. Balaji S. Shinde Advocate for Petitioners.
Mr.V.H. Dighe, A.G.P. for Resp. Nos. 1 to 5.
...

**CORAM: S.V. GANGAPURWALA AND
A.I.S. CHEEMA, JJ.**

DATE : 8TH MARCH, 2016

ORDER :

1. Mr. Shinde, learned counsel for the Petitioners submits that the ancestors of the present Petitioners had sold the land to Respondent No.6 Sut Girni in the year 1965 by registered sale deed. In the year 1992 the functioning of the Sut Girni came to stand still. The purpose for which the land was taken by Respondent No.6 does not survive and as such the Respondents be directed to return the land to the Petitioners. According to the learned counsel, the

assurance was given by the Respondents that the claim of the Petitioners would be considered, however nothing has been done in this regard. Letters are issued by Tahsildar and Assistant Registrar, Co-operative Societies, Rahuri.

2. It is not the case that the land of the Petitioners/ their ancestors has been acquired by the Government. The ancestors of the Petitioners have voluntarily sold land to Respondent No.6 by sale deed, in the year 1965. On the ground that functioning of Respondent No.6 has come to stand still, the land cannot be returned back to the Petitioners, as it is a case of voluntary sale of the property by the ancestors of the Petitioners to Respondent No.6.

3. As far as valuation of the property is concerned, if the Petitioners have locus standi, then they may move the appropriate authority in this regard.

4. In case the claim of the Petitioners is pending for consideration with the Government authorities, the Petitioners are at liberty to prosecute the same.

5. The Writ Petition is accordingly disposed of. No costs.

[A.I.S.CHEEMA, J.]

asb/MAR16

[S.V. GANGAPURWALA, J.]