

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

Writ Petition No. 3599 of 2013

District : Nanded

Bhimrao s/o. Nagoba Khamkar,
Age : 58 years,
Occupation : Agriculture,
R/o. Rajendra Nagar,
Taluka : Kinwat,
District : Nanded.

.. Petitioner.

versus

Deobai Wd/o. Rama Bothinge,
Age : 65 years,
Occupation : Agriculture,
R/o. Mohapur,
Taluka : Kinwat,
District : Nanded,
8 others.

.. Respondents.

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*Mr. P.P. Mandlik, Advocate, holding for
Mr. A.S. Gandhi, Advocate, for the petitioner.*

*Mr. C.K. Shinde, Advocate, for respondent
nos.1 to 6.*

*Mr. S.N. Morampalle, Asst. Government Pleader,
for respondent nos.7 to 9.*

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**CORAM : S.V. GANGAPURWALA &
A.M. BADAR, JJ.**

DATE : 17TH FEBRUARY 2016

COURT'S ORDER *(Per S.V. Gangapurwala, J.) :*

1. Heard Mr. Mandlik, the learned Counsel for the petitioner. He submits that the predecessor in title of the petitioner belong to 'Andh' community which was declared as Scheduled Tribe vide notification in the year 1977. The transaction was of the year 1968. At the relevant time, when the ancestors of the present petitioner purchased the property, same was not a tribal land. The order passed in the year 1975 of restoring the land is illegal. The petitioner has moved a representation / application to the Tahsildar for restoration of possession. However, no decision is taken on the same.
2. Mr. Shinde, the learned Counsel for respondent nos.1 to 6, submits that the order directing restoration of possession is passed on 30th November 1975. After lapse of 37 years, the petitioner has moved the authority, that too, without preferring any appeal or revision against the said order.
3. No doubt, the petitioner indirectly is assailing the order dated 30th November 1975. The said application before the Tahsildar would not be tenable. The petitioner has not preferred any proceeding against the order dated 30th November 1975, passed by the Tahsildar.
4. In the light of that, the request of the petitioner cannot be considered. The petitioner, if in law, is entitled to take up any other proceedings, he may do so, subject to law of limitation or otherwise.

5. With the above observations, the Writ Petition is disposed of.
No costs.

(A.M. BADAR)
JUDGE

(S.V. GANGAPURWALA)
JUDGE

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