

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

WRIT PETITION NO.3972 OF 2016.

Vithal Sahebrao Yewale,
Age 45 years, Occ.Agri.,
R/o Jogeshwari Akhada,
Tq. Rahuri, Dist.
Ahmednagar. ... Petitioner.

Versus

1. The State of Maharashtra,
through its Secretary,
Co-operation, Marketing and
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 Cooperative
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.

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Mr.R.K.Temkar, advocate for the petitioner.
Mrs.M.A.Deshpande, A.G.P for the State.

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**CORAM : S.V.GANGAPURWALA AND
K.K.SONAWANE, JJ.**

Date : 06.04.2016.

ORDER :

1. Mr. Temkar, learned counsel for the Petitioner submits that the ancestors of the present Petitioner had sold the land to Respondent No.6 Soot Girni in the year 1962 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 Petitioner. 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 Petitioner/ his ancestors has been acquired by the Government. The ancestors of the Petitioner have voluntarily sold land to Respondent No.6 by sale deed, in the year 1962. 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 Petitioner has locus standi, then he may move the appropriate authority in this regard.

4. In case the claim of the Petitioner

is pending for consideration with the Government authorities, the Petitioner is at liberty to prosecute the same.

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

(K.K.SONAWANE, J.)

(S.V.GANGAPURWALA, J.)

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