

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO.6075 OF 2012

Syed Latifoddin s/o Syed Nizamoddin,
Age-55 years, Occu:Agriculture,
R/o-Itwara, Kacheri Road,
Near Kali Masjid, Old Jalna, Jalna.

...PETITIONER

VERSUS

The State of Maharashtra,
Through the Secretary,
Revenue & Forest Department,
Mantralaya, Mumbai- 400 032
and others.

...RESPONDENTS

...

Mr.S.S. Kazi Advocate for Petitioner.
Mr.S.K. Kadam, A.G.P. for Respondents.

...

**CORAM: R.M. BORDE AND
A.I.S. CHEEMA, JJ.**

DATE : 6TH JANUARY, 2016

ORDER :

1. The Petitioner is praying for issuance of directions to the Respondent Authorities to decide the succession proceedings pending before the Deputy Collector (Atiyat), Jalna on merits and in

accordance with law.

2. The affidavit in reply has been presented on behalf of Respondent Nos. 3, 4 and 5, wherein it has been stated that on application tendered by Syed Nizamuddin s/o Syed Mohiyuddin, father of the Petitioner, the succession was not granted in his favour. The father of the Petitioner Syed Nizamuddin s/o Syed Mohiyuddin died on 16th April 1980. It is further disclosed that Syed Wajiroddin s/o Syed Gulab Hussain was the original Inamdar, who was granted Muntakhab No.1054 of 1285 Fasli. Syed Wajiroddin died in 1919. Thereafter no succession was granted to his son Syed Mohinuddin s/o Syed Wajiroddin, who died in 1920. After the death of Syed Mohinuddin s/o Syed Wajiroddin, the succession was not granted to his son Syed Nizamuddin s/o Syed Mohinuddin. The application presented by the father of the Petitioner i.e. Syed Nizamuddin s/o Syed Mohinuddin, was presented after a delay of about 73 years. An application tendered to the

Divisional Commissioner seeking condonation of delay was rejected and Writ Petition presented by Syed Nizamoddin s/o Syed Mohiuddin challenging the order passed by the Divisional Commissioner, being Writ Petition No.5238 of 2003 came to be dismissed. The order of the dismissal of the Petition presented by the father of the Petitioner herein was not challenged before the Apex Court and as such the order passed by the High Court in aforesaid Writ Petition has attained finality. In these circumstances, since the claim of the father of the Petitioner for grant of succession certificate has been rejected and the same having attained finality, there is no question of granting succession in favour of the Petitioner.

3. The Writ Petition is devoid of merits.
The Writ Petition stands rejected.

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

asb/JAN16

[R.M. BORDE, J.]