

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

WRIT PETITION NO. 9692 OF 2013

Noor Mohd. Osman Sayyed and another .. Petitioners

Versus

The State of Maharashtra and others .. Respondents

Shri Amol S. Sawant, Advocate for Petitioners.

Shri S. B. Pulkundwar, A.G.P. for Respondent Nos. 1, 3 and 4.

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

DATE : 27TH JULY, 2016.

PER COURT :

. We have heard Mr. Sawant, the learned counsel for petitioners and Mr. Pulkundwar, the learned Assistant Government Pleader for respondent Nos. 1, 3 and 4.

2. Mr. Sawant, the learned counsel submits that, the petitioners were owners of land bearing old Sy. No. 25 and 30 situated at village Loni (Vyankanath), Tq. Shrigonda. The same was acquired for the respondent No. 2/the Maharashtra State Farming Corporation Ltd. After the consolidation scheme, Sy. Nos. 25 and 30 are renumbered as gut Nos. 42 and 46. The learned counsel submits that, subsequently, by introducing Sec.

28-1AA in the Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1961 (for short "Ceiling Act"), the persons from whom the lands are acquired were entitled for restoration of said land. The Government Resolution was issued on 04.05.2012 for allotment of the said land, however, vide clause No. 9.12 and 9.15 of the said G. R., the Inam lands were not required to be allotted or granted to the persons from whom the said land was acquired. The learned counsel submits that, subsequently, the fresh Government Resolution was promulgated on 08th July, 2013 thereby clause Nos. 9.12 and 9.15 of the G. R. dated 04.05.2012 were deleted, as such restriction imposed on re-allotment of Inam land has been removed by the Government. Pursuant to such deletion of clauses, the Additional Collector, Ahmednagar communicated the Sub Divisional Officer, Karjat informing that appropriate steps be taken for allotment of Inam land. The said land was leased out by the father of petitioners, which was subsequently acquired by the M. S. F. C. However, on 18.11.2013, M. S. F. C. issued a tender notice for joint farming on contract basis of the lands shown in the schedule of the said advertisement. The learned counsel submits that, the same would be contrary to the amendment to Sec. 28-1AA of the Ceiling Act and also not in consonance with the Government Resolution dated 08th July, 2013.

3. The learned Assistant Government Pleader submits that,

the Inam land could not have been allotted. The petitioners are not entitled and the said auction notice has been rightly issued.

4. This Court vide order dated 02nd December, 2013 had granted ad-interim relief in terms of prayer clause 'C' thereby stayed auction/tender notice to the extent of petitioners' property and said interim order is still in force.

5. Now as the Government Resolution dated 08th July, 2013 has deleted clause Nos. 9.12 and 9.15 of the G. R. dated 04.05.2012, the Additional Collector, Ahmednagar had directed the Sub Divisional Officer, Karjat to proceed as per the G. R. dated 04.05.2012 and even to proceed ahead with the distribution of the Devasthan Inam land. There was no impediment for the authorities to proceed further with the communication at Exhibit - I.

6. Considering the fact that, the Additional Collector, Ahmednagar has already directed the concerned, Sub Divisional Officer to proceed ahead with the allotment of Devasthan Inam land also, the respondent authorities shall proceed with the process, shall consider eligibility of petitioners to get the allotment of land bearing old Sy. No. 25 and 30 (New gut Nos. 42 and 46) situated at village Loni (Vyankanath), Tq. Shrigonda and as claimed by petitioners on its own merits, in accordance with

law and its policy expeditiously and preferably within a period of eight (08) months from the date of this order. Till the said proceedings with regard to the distribution/allotment of land as claimed by the petitioners are decided, the respondents shall not proceed further with the tender notice in respect of the writ lands. The parties can take appropriate steps after culmination of the proceedings with regard to the allotment/distribution of writ land to the petitioners as claimed. The writ petition accordingly is disposed of. No costs.

[K. K. SONAWANE, J.]

[S. V. GANGAPURWALA, J.]

bsb/July 16