IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 933 OF 2015

Govindlalji Kakani since deceased by Rajkumar Govindlalji Kakani and others
-vs-
State of Maharashtra, thr.the Collector, Nagpur and others

Office notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's Orders.

Mr.B.N.Mohta, counsel for the petitioners.
Mr.N.R.Rode, AGP for the respondents.

CORAM : SMT. VASANTI A. NAIK, J.
DATE : 02.04.2016.

By this writ petition, the petitioners seek the deletion of the remark "pendency of ceiling proceedings" incorporated in the Revenue Records on 11/12/2007 in pursuance of the order passed by the Sub-Divisional Officer directing the Talathi to do so.

The petitioners claim to be the owners of the agricultural field that is involved in this writ petition. According to the petitioners, though the proceedings under the Maharashtra Agricultural Lands (Ceiling and Holdings) Act, 1961 in respect of the field property are pending, an entry in regard to the pendency of the ceiling proceedings could not have been made in the Revenue Records pertaining to the field of the petitioners. It is stated that because of the said entry in the Revenue Records, the petitioners are not able to secure loan from the banks. It is stated that if the entry is not deleted, the respondent-Authorities may be directed to give a no objection to the petitioner for securing the loan. The learned counsel has relied upon the judgments of the Hon'ble Supreme Court, reported in ***AIR 1966 SC 1631 (Jang Singh v. Brij Lal), AIR 1975 Bom. 237 (Martand v. Dattatraya), AIR 1975 Bom.82 (S.M.Deshmukh v. G.K.Khare) and AIR 1966 Kerala 225 (Central Bank of India v. Chattanath)*** to substantiate his submission.

On the other hand, the learned Assistant Government Pleader appearing on behalf of the respondents, states that when the ceiling proceedings are admittedly pending, the action on the part of the Revenue Authorities in making the remark in respect of the "pendency of the ceiling proceedings" in the Revenue Records cannot be faulted. It is stated that though the Authorities are desirous of concluding the ceiling proceedings, the petitioners are not cooperating and are delaying the matter.

On hearing the learned counsel for the parties, I find that there is no merit whatsoever in the instant petition. The petitioners cannot effectively challenge the remark "pendency of ceiling proceedings" in the Revenue Records pertaining to the field of the petitioners. Admittedly, the ceiling proceedings are pending before the Authorities. In this background, it cannot be said that the respondent-Authorities committed any error in incorporating the remark "pendency of ceiling proceedings" in the Revenue Records. The judgments reported in ***AIR 1966 SC 1631 (Jang Singh v. Brij Lal), AIR 1975 Bom. 237 (Martand v. Dattatraya), AIR 1975 Bom.82 (S.M.Deshmukh v. G.K.Khare) and AIR 1966 Kerala 225 (Central Bank of India v. Chattanath)*** and relied on by the learned counsel for the petitioners have no bearing whatsoever with the issue involved in this case. The submission made on behalf of the petitioners that the respondent Revenue Authorities do not have the jurisdiction under the Act to make a remark in the Revenue Record about the pendency of the ceiling proceedings is not well founded and is liable to be rejected. Also, I do not find any merit in the submission made on behalf of the petitioners that the respondent-Authorities should be directed to grant a no objection to the petitioners for securing loan from the bank as that is a matter between the petitioners and the bank and the respondent-Authorities have nothing to do with the same.

Since there is no merit in the writ petition, the same is dismissed with no order as to costs.

JUDGE

KHUNTE