

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

MISC. CIVIL APPLICATION NO.139 OF 2016

IN

WRIT PETITION NO.1550 OF 2014 (D)

Dnyanvikas Shikshan Prasarak Mandal, Thr. its President, Desaijanj, Dist. Gadchiroli.

-vs-

Parvatibai wd/o Ramesh Bhandari and ors.

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

Court's or Judge's Orders.

Shri M. M. Sudame, Advocate for the applicant.

Shri S. Zia Qazi, Advocate for non-applicant Nos.1 to 4.

Shri A. V. Palshikar, AGP for non-applicant Nos.5 to 7.

CORAM : A.S.CHANDURKAR, J.

DATE : February 12, 2016

Heard.

Review of the judgment dated 21/07/2015 is sought on the ground that the finding recorded that the procedure as prescribed under Section 20(2) of the Maharashtra Land Revenue Code, 1966 had not duly followed before allotting the land in question to the review applicant is factually incorrect amounting to an error apparent on record.

It is submitted on behalf of the applicant that a composite proclamation for alteration of Nistar rights and allotment of land to the applicant was issued by the Sub-Divisional Officer on 12/12/2005 after which an enquiry was held and report dated 20/03/2006 was prepared. It is thus submitted that the finding recorded that such procedure before allotting the land was not followed amounts to an error apparent warranting review of the judgment.

It is submitted on behalf of the non-applicant Nos.1 to 4 that in so far as alteration of Nistar rights are concerned,

steps are required to be taken by the Sub-Divisional Officer and in so far as allotment of land under Section 20(2) of the Code is concerned, necessary steps are required to be taken by the Collector. It is therefore submitted that the proclamation dated 13/12/2005 issued by the Sub Divisional Officer related only to calling for objections with regard to alteration of Nistar rights.

Perusal of the proclamation dated 13/12/2005 as well as the report dated 20/03/2006 indicates that the same considers only objections being raised to the alteration of Nistar rights. Moreover, as pointed out under the provisions of Section 20(2) of the Code in the matter of allotment of land, the necessary procedure has to be followed by the Collector. These aspects were considered and a finding in that regard in paragraph 7 of the judgment came to be recorded.

In view of aforesaid, I do not find any case made out for reviewing the judgment dated 15/07/2015. M.C.A is accordingly dismissed with no order as to costs.

JUDGE