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

WRIT PETITION NO. 10387 OF 2012

1. Bhausahab Maruti Dhokchavale,
Age: 57 years, Occu: Agriculture
2. Raosaheb Maruti Dhokchavale,
deceased, thr. L.Rs.
- 2-A. Shakuntala Raosaheb Dhokchavale,
Age: 60 years, Occu: Agriculture
- 2-B. Mahesh Raosaheb Dhokchavale,
Age: 27 years, Occu: Agriculture
3. Bhimraj Maruti Dhokchavale,
Age: 50 years, Occu: Agriculture
4. Arjun Maruti Dhokchavale,
Age: 47 years, Occu: Agriculture
5. Smt. Dropadabai Maruti Dhokchavale,
Age: 75 years, Occu: Agriculture

All R/o. Ranjankhol, Tal. Rahata,
Dist. Ahmednagar

..PETITIONERS
(Orig.applicants)

VERSUS

1. The State of Maharashtra,
Through Revenue & Forest Dept.,
Mantralaya, Mumbai
2. The Deputy Collector,
Land Acquisition, Ahmednagar,
Tq. Ahmednagar, Dist. Ahmednagar
3. Tilaknagar Industries Ltd.,
Industrial Assurance Bldg.,
3rd Floor, Churchgate, Mumbai-20
4. The Maharashtra State Farming Corpn.
Ltd. 270, Bhamburda, Senapati Bapat
Marg, Pune-411 016

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5. Ganesh Sadashiv Joshi,
Age: Major, Occu: Agri.,
R/o. C/o Tilaknagar Industries Ltd.,
Industrial Assurance Bldg.,
3rd Floor, Churchgate,
Mumbai-20

..RESPONDENTS

Mr Sanket S. Kulkarni, Advocate for petitioners;
Mr S. M. Ganachari, A.G.P. for respondent Nos.1 & 2;
Mr N. S. Chaudhary, Advocate for respondent No.3;
Mr P. V. Barde, Advocate for respondent No.4

CORAM : NITIN W. SAMBRE, J.**DATE : 13th September, 2017****ORAL ORDER:**

The petitioners claim to be legal heirs of Bala Limbaji Dhokchavale, who had leased out land belonging to him, to the extent of 8 Acres and 5 Gunthas, out of survey no.33, to Maharashtra Sugar Mills on 16th October, 1934.

2. It is then claimed that the name of said Bala Limbaji Dhokchavale or his legal heirs was not displayed in the list which was published along with the schedule depicting the names of the farmers viz. the original land holders.

3. It is then claimed that land to the extent of 11 Acres and 10 Gunthas out of survey no.33 was given on lease to Maharashtra Sugar Mills vide lease deed dated 13th November, 1934. However, mutation entry no.772, dated 1st November, 1954 was shown to be in the name of one Ganesh

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Sadashiv Joshi, as per the order of the Assistant Consolidation Officer. It is further certified that on 9th January, 1960 the said land stood in the name of Ganesh Sadashiv Joshi. It is claimed that the area out of survey no.33/1-B and 33/2 was shown to be given on sale to the Maharashtra Sugar Mills as is reflected in the mutation entry.

4. The petitioners claim to be legal heirs of Bala Limbaji Dhokchavale, original owner of the land, who had given the said land on lease to the aforesaid sugar mill, sought allotment of the same pursuant to the scheme framed by the State Government about restoring land to its original owner which was given on lease to the sugar company and thereafter to the Maharashtra Farming Corporation.

5. Respondent no.2 has filed an affidavit stating that the mutation entry was taken after following due procedure and the land stood mutated in the name of Ganesh Sadashiv Joshi. Respondent no.3 – Tilaknagar Industries Ltd. has filed an affidavit that respondent no.5 Ganesh Sadashiv Joshi was their employee and as such his name has appeared in the mutation entry, for and on behalf of the Maharashtra Sugar Mills. According to respondent no.3, respondent no.5 Ganesh Sadashiv Joshi was never owner/proprietor of the Maharashtra Sugar Mills which was amalgamated with respondent no.3 Tilaknagar Industries Ltd.

6. In the aforesaid background, the order impugned dated 13th September, 2012, passed by respondent no.2 needs re-consideration. It

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depicts from the record that the petitioners are claiming to be legal heirs of Bala Limbaji Dhokchavale, who had admittedly given land on lease to the Maharashtra Sugar Mills.

7. Pursuant to the policy of the State Government, legal heirs of original land holders are entitled for re-allotment of the land and such adjudication is required to be carried out by a committee presided over by the Deputy Collector, which is subject to the approval of the Collector.

8. In the wake of above, in my opinion, it will be appropriate to set aside the impugned order. Accordingly, the impugned order dated 13th September, 2012 is quashed and set aside. Respondent no.2 is directed to decide the claim of the petitioners afresh in the backdrop of the observations made herein above.

If need be, the petitioners may file a detailed representation so as to establish their claim based on the above referred considerations, which the competent authority shall decide expeditiously.

(NITIN W. SAMBRE, J.)

amj