

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

WRIT PETITION NO. 2660 OF 2016

Rajendraprasad Shankarlal Khatod .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Sanket S. Kulkarni, Advocate for the Petitioners
Mrs. R. P. Gaur, A.G.P. for Respondent Nos. 1 to 4.
Shri P. V. Barde, Advocate for the Respondent No. 5.

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

DATE : 19TH SEPTEMBER, 2017.

FINAL ORDER :

. Mr. Kulkarni, the learned counsel for the petitioner submits that, the petitioner was declared entitled to land admeasuring 3 Acres 35 Gunthas U/Sec. 28(1)(AA) of the Maharashtra Agricultural Lands (Ceiling on Holding) Act, 1961 (for short "Ceiling Act"). According to the learned counsel, thereafter subsequently the order is passed holding that the petitioner is not entitled to any land. The said modified order is without notice to the petitioner and without hearing the petitioner.

2. The learned Assistant Government Pleader for respondent Nos. 1 to 4 submits that, the petitioner was a surplus land holder and as such land being taken from the surplus land holder, the

petitioner is not entitled for the land U/Sec. 28(1)(AA) of the Ceiling Act.

3. There is nothing on record along with the affidavit in reply and the chart filed to suggest that the petitioner was declared surplus land holder and surplus land was taken.

4. In view of the above, we pass following order.

5. The respondent/authority shall after hearing the petitioner take decision afresh as to the admissibility of the land to the petitioner U/Sec. 28(1)(AA) of the Ceiling Act. The said decision be taken expeditiously and preferably within a period of three (03) months from today.

6. Till the decision is taken by the authority, the land in question shall not be dealt with by any of the parties. The writ petition is disposed of. No costs.

[K. K. SONWANE, J.]

[S. V. GANGAPURWALA, J.]