

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO. 4911 OF 2016

Subhash s/o Ganpatrao Suryawanshi
& others

Petitioners

Versus

The State of Maharashtra
& others

Respondents

Mr. G.G. Kadam, advocate for petitioners.
Mr. C.V. Dharurkar, AGP for respondents 1 to 4.
Mr. S.A. Kulkarni, advocate for respondent no. 5.

**CORAM : DR. MANJULA CHELLUR, CJ. AND
R.M.BORDE, J.**

DATE : 28th June, 2017.

ORDER :

1. There cannot be dual opinion as regards the nature of inam. The properties allegedly possessed by petitioners are Atiyat grants belonging to the Devsthan. Petitioners claim their status akin to tenants since last 35 years, which proposition cannot be accepted since the provisions of Hyderabad Abolition of Inams and Cash grants Act, 1954 are inapplicable to the instant grant. It is clear that the nature of inam is a 'service inam' and as such, the provisions of Hyderabad Atiyat Inquiries Act, 1952 are applicable.

2. The Devsthan has decided to lease the property on 'eksaal lavni' basis by way of open auction and petitioners do not have any legal ground to object to the decision of the Devsthan merely

because they continue to possess the lands belonging to the Devsthan for number of years. It would be open for the petitioners to participate in the auction process and, if they are found to be the highest bidder, their claim can be considered alongwith other bidders. With liberty as aforesaid, writ petition stands dismissed.

R.M.BORDE, J.
JUDGE

CHIEF JUSTICE

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