

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

**WRIT PETITION NO. 2513 OF 2012
WITH
CONTEMPT PETITION NO. 320 OF 2012**

Eknath Kashiram Landge & others

Petitioners.

Versus

The State of Maharashtra and others

Respondents.

Smt. Kalpalata Patil Bharaswadkar, Advocate for the petitioners.

Smt. M.A. Deshpande, Addl.G.P. for respondent Nos.1 to 6.

CORAM : **RAVINDRA V. GHUGE
 AND
 SUNIL K. KOTWAL, JJ.**

Dated : 16-11-2017.

ORAL ORDER :-

1. We had heard this matter for some time on 07.11.2017, 15.11.2017 and today in the first session. This matter was passed over to the second session to enable the learned Counsel for the petitioners to take instructions as to whether the petitioners desire to withdraw this Petition so as to avail of a statutory efficacious remedy keeping in view that the impugned order/notice has been issued by the Tahsildar, Jalna under Section 50 of the Maharashtra Land Revenue Code, 1966.

2. In the second session, when the matter was called out, learned Counsel for the petitioners submits on instructions, that on 30.10.2017, the standing crops in the lands of petitioner Nos.6 and 16 were crushed by using a machine which is commonly known as "JCB Machine" and on 14.10.2017 both were beaten up. Their possession was forcibly taken and they were dispossessed in the presence of the Revenue Authorities.

3. Since this purported incident is in relation to an alleged offence being committed, the petitioners affected would surely have a right to approach the appropriate law enforcing agencies/police station to lodge a complaint, if they so desire. If any such complaint is filed, the law enforcing agencies would consider the same in accordance with the procedure.

4. Since we find that the issues before us are with regard to (a) whether the petitioners are in possession of the lands as claimed, (b) whether the directions are to be issued to the Revenue Authorities that the petitioners should be permitted to possess and cultivate the lands which are in survey No. 488 and (c) whether the mutation entries deserve to be quashed and set aside, involve disputed questions.

5. Learned Counsel for the petitioners submits, on instructions, that the petitioners would prefer a remedy as is provided under law with

regard to the notice issued by the Tahsildar dated 10.02.2012, within 8 (eight) weeks from today. It is further prayed that the exparte ad-interim protection granted by this Court in the nature of maintaining status-quo with regard to the possession existing on 19.03.2012, shall be continued for a period of 8 (eight) weeks. It is also prayed that the proceedings may be decided within particular time frame.

6. As such, this Petition is disposed of without considering it on its merits and with liberty as prayed for.

7. The petitioners would be at liberty to assail the impugned notice dated 10.02.2012 by resorting to a remedy under the Maharashtra Land Revenue Code as is permissible, within the period of 8 (eight) weeks from today. The ad-interim direction in the nature of maintaining status-quo with regard to the possession of lands in Survey No.488 shall be maintained for a period of 8 (eight) weeks and efficacy of this order shall be last w.e.f. 10.01.2018. Needless to state, the petitioners are at liberty to move the appropriate authority for interim direction and such a request would be considered strictly in accordance with law. After the proceedings are initiated, the concerned Revenue Authorities would decide the same within a period of six months after hearing all the sides. All contentions of litigating sides are kept open.

8. We make it clear that we have not expressed any view about who is in possession of the lands in Survey No.488.

9. Considering the grievance of the petitioners, which is voiced before us today with regard to alleged assault of petitioner Nos.6 and 16, they are at liberty to approach the concerned Police Station, if they so desire, for lodging of a complaint.

10. Contempt Petition No. 320 of 2012 does not survive and the learned Counsel for the petitioners submits, on instructions, that the same may be disposed of.

11. As such, Contempt Petition No. 320 of 2012 also stands disposed of.

(SUNIL K. KOTWAL)
JUDGE

(RAVINDRA V. GHUGE)
JUDGE