

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 7088 OF 2012

Gandharvabai Kishan Kolhe and **Petitioners**
others

V E R S U S

The State of Maharashtra, through **Respondents**
Revenue Department, Mantralaya,
Mumbai and two others

Mr. S.S. Bora, Advocate for the petitioners
Mr. P.N. Kutti, A.G.P. for the respondent No.1/State
Mr.S.J. Salunke, Adv. for respondent Nos.2 & 3

CORAM : S.V.GANGAPURWALA, J.

DATE : 20th APRIL, 2017

PER COURT :

Heard.

2. The proceedings were initiated for correction in the consolidation record. The objection was filed by the present respondent Nos.2 and 3, the same came to be rejected. Aggrieved thereby, the present respondent Nos.2 and 3 preferred revision before the

State Government. The Honourable Minister has remitted the matter back to the Consolidation Officer. Therefore, the present petition has been filed.

3. Mr. Bora, learned counsel for the petitioners submits that the Honourable Minister while remanding the matter back to the Consolidation Officer has not given any reason. The only reason given is that from Survey No.453/2 (Survey No.6/2) the area shown is 2 Hectare 19 Are and the remaining area is not shown to have been given in the share of any person. According to the learned counsel, even as per the objection taken by the respondents, half of the land of Survey No.6/2 has been acquired. The total area of Survey No.6/2 is 4 Hectare 37 Are and 2 Hectare 12 Are land is acquired for tank. The reason for which the matter has been remitted is erroneous.

4. Mr. Salunke, learned counsel for respondent Nos.2 and 3 submits that when the matter is remitted by the Honourable Minister to the Consolidation Authority, the Consolidation Authority would consider

each and every aspect of the matter and the objection raised by respondent Nos.2 and 3 herein and no prejudice would be caused to the petitioners herein.

5. Remand of the matter cannot be as a matter of course. The same has to be for valid reason. In fact when all the facts are before the Revisional Authority, it is expected from the Revisional Authority to decide the same on merits. As per the record, it appears that from Survey No.6/2, area of 2 Hectare 18 Are is acquired for tank, and remaining area of 2 Hectare 19 Are is shown. The reason stated for remanding the matter back, does not appear to be appropriate and proper.

6. Considering the above facts, the impugned order is quashed and set aside. The parties shall appear before the Honourable Minister for decision of the Revision bearing Consolidation/3307/332/Pra.Kra.158/L-1, dated 15th March, 2017 afresh. The Honourable Minister after hearing the parties

concerned shall decide the said revision on its own merits expeditiously.

7. Writ Petition is accordingly partly allowed.
No costs.

8. Record and proceedings be sent back immediately.

(S.V. GANGAPURWALA, J.)