

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION (ST) NO. 25643 OF 2017

Shri Ganesh Arjun Nimble & Ors.

.. Petitioners

V/s

The State of Maharashtra

.. Respondents

Ms. Chaitrali Deshmukh for the petitioners.

Mr. Vikas Mali, AGP for the State.

**CORAM: DR. MANJULA CHELLUR, CJ. &
M.S. SONAK, J.**

DATE : 31st OCTOBER 2017

P.C.:

The petitioners belong to Adivasi community (Scheduled Tribe) and own land in Survey Nos. 244/1A, 245/1A, 245/1B, 251 and 252. Apparently the entire land from these survey numbers was about 23 Acres situated at Mulund in Kurla Taluka.

2. According to the petitioners, they were dispossessed from a portion of the land as indicated in para 13 of the petition. We make it clear that the petitioners intend to say that they were dispossessed and not disposed from the land. Unfortunately no details of any kind is forthcoming which indicate, out of alleged 23 Acres, how much land was taken away from the petitioners and what is the balance of land remaining in their possession. They are asking

for an order directing the respondent Authorities to consider Appeal No. 6441 of 2014 pending on the file of the Revenue Minister, Mantralaya. On perusal of copy of the appeal memo, we note that the said appeal memo is bald as it could be like writ petition. In the absence of such relevant details, we fail to understand how the appeal could be disposed of or the petition could be entertained.

3. In the light of the above deficit, having regard to the fact that the petitioners belong to a deprived class, we are of the opinion that the petitioners must amend the appeal memo pending before the Revenue Department by giving all the details within one month from today. It can be in the form of an additional affidavit which shall be treated as part of the appeal. Thereafter the respondent shall consider the matter and dispose of the same in accordance with the procedure contemplated under the statute concerned.

4. The writ petition is disposed of with the above directions.

(M.S. SONAK, J.)

CHIEF JUSTICE