

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.10651 Of 2017

Maruti Appa Barad and anr .. Petitioners
Versus
The Collector and Deputy Collector
for Rehabilitation, Kolhapur
and others .. Respondents

...

Mr.Kedar Lad i/b P.D. Dalvi for the petitioner.
Mr.P.G. Sawant, AGP for the State.

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

DATED: 30th OCTOBER, 2017

P.C.:-

1 We have gone through the writ papers. Petitioner nos.1 and 2 claim to be in possession of a certain land belonging to a Devasthan which is described as 'Devasthan Inam' situate at Awali Bk village in Radhanagari taluka of District Kolhapur. It is Gat No.30 so far as first petitioner, and Gat No.1 so far as second petitioner. The entire averment in the petition, it does not indicate under what capacity the petitioners became '*kabzedar*' so that they could hold on to the land. On the other hand, the annexures filed along with the petition like representation and affidavits indicate that these petitioners claim to be Project Affected Persons so far as Tulshi Medium Irrigation Project, and they are also given alternate land other than the lands mentioned above.

Tilak

2 According to the petitioners, they are holding the lands as '*Kabzedar*'. Therefore, the revenue authorities have to consider their representation and allot the land in question. We fail to understand under what right such claim would be put forth before the respondent authorities. If at all they have acquired right, which is not at all explained in the writ petition, by what means such right is acquired to seek allotment of the land, they have to protect such right in a Civil Court and not by way of taking a direction under Article 22 of the Constitution to consider the representation and decide.

3 In order to give such direction first, the petitioner may be able to establish that they have some vested right by which they could seek such consideration of the representation. Merely by holding on to the land as '*Kabzedar*', they do not get a right to seek a direction from the Court to consider their representations.

4 In the light of above observations, we decline to intervene to consider the reliefs sought in the writ petition since we are of the opinion that the case of the petitioner do not have legs to stand.

5 Accordingly, petition is dismissed.

(M.S.SONAK, J)

(CHIEF JUSTICE)