

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

WRIT PETITION NO.3445 OF 2017

ANNASAHEB SAVLERAM DHOKCHAULE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for the Petitioner : Shri Tambe Rahul A..
AGP for Respondents 1 to 5 : Shri S.R.Yadav.
Advocate for Respondent 6 : Shri P.V.Barde
Advocate for Respondents 7 to 11 : Shri M.A.Jahagirdar.

...

CORAM: RAVINDRA V. GHUGE, J.

DATE :- 12th December, 2018

Per Court:

1 On 25.10.2018, since this Court realized a strong possibility
of a resolution to the dispute, the following order was passed :-

- "1. *Learned Advocate for the petitioner makes a statement that his consent recorded on page No.17 showing his willingness to accept the land admeasuring 23 acres 8 gunthas in Gut No.50 thereby giving up his claim to additional land admeasuring 8 gunthas, is still maintained by him. Learned AGP submits that the said land appears to have been allotted to respondent Nos.7 to 11, though the possession of the said land is not handed over.*
2. *Mr.Barde submits that allotment of a difference piece of land is also granted to the petitioners though the possession of the land has not been handed over.*
3. *Learned AGP submits that since his client (Tahsildar, Rahata) is present in the Court, he would take instructions and if it is possible, the State would consider resolving the said issue without further*

escalation, subject to the consent of respondent Nos. 7 to 11.

4. *Stand over to 27/11/2018. The interim order, passed earlier, to continue till then."*

2 Today, the learned Advocate for the Petitioner submits, on instructions, that the Petitioner is willing to accept the land admeasuring 23 Acres 8 Gunthas in Gat No.50, which is presently in his possession and that would be to the complete satisfaction of the Petitioner. He has given up his claim for an additional portion of land of 8 Gunthas in Gat No.50. This consent is restricted only to Gat No.50.

3 The learned Advocate appearing on behalf of Respondent Nos.7 to 11 submits, on instructions taken from Mr.Shaikh Mohammad Aajam (Respondent No.11), present in the Court, that they are willing to give up the allotment to that portion of land, which the Petitioner has now accepted as per the statement made in the foregoing paragraphs and they are willing to make a fresh application within two weeks to the extent of their shares of 19 Acres and 35 Gunthas of land to the appropriate authority for allotment of the said land. They will choose an option as per the settled procedure by which, they would be allotted 19 Acres and 35 Gunthas of land.

4 The learned AGP submits that the State has no issue with the statements made by the Petitioner and by Respondent Nos.7 to 11. If these Respondents move an application at the earliest, a date would be fixed on

which the statutory authorities would show the options available to these Respondents and would make the allotment of land as per the rules and procedure applicable keeping in view the options mentioned and especially at the village Eklahra, Taluka Shrirampur, District Ahmednagar and particularly at Mala i.e. large farm comprising of different portions of irrigated land.

5 In view of the above consenting statements, the litigating sides agree that the dispute is resolved and this petition can be disposed of. As such, this Writ Petition is disposed of by modifying the impugned decision at page 19 only to the extent of the statements recorded on behalf of the Petitioner and Respondent Nos.7 to 11 as above.

6 Needless to state, the application to be filed by Respondent Nos.7 to 11 would be considered by the appropriate authorities expeditiously and preferably within a period of TWELVE WEEKS from today and shall report compliance thereof to the Registry of this Court. A request for extension of time would not be entertained.