

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

**WRIT PETITION NO. 4031 OF 2012**

Dattu Nivrutti Khandagale  
and others

.. Petitioners

**Versus**

The State of Maharashtra and others .. Respondents

Shri S. N. Pagare, Advocate for Petitioners.

Shri K. S. Patil, A.G.P. for Respondent Nos. 1 to 4.

**CORAM : S. V. GANGAPURWALA AND  
R. G. AVACHAT, JJ.**

**DATE : 05TH DECEMBER, 2018.**

**FINAL ORDER :**

. Mr. Pagare, the learned counsel for petitioners submits that, the petitioners are the landless persons. The surplus land declared under the provisions of the Maharashtra Agricultural Lands (Ceiling on Holding) Act, 1961 is required to be distributed amongst the landless persons from the lands declared surplus. Fifty per cent land is allotted to the members of the Scheduled Caste and the Scheduled Tribe category. According to the learned counsel, large area of land has been declared surplus. About 346 Acres 28R land of nine land holders from village Kamkheda was declared surplus in the year 1975. Said surplus land was proposed to be distributed amongst the landless

persons. In the list maintained by the revenue authorities for distribution of the land name of the father of the petitioner No. 1 is shown at Sr. No. 5. The name of the father of the petitioner No. 2 is at Sr. No. 9. The name of the father of the petitioner No. 3 is shown at Sr. No. 16 and the name of the father of the petitioner No. 5 is shown at Sr. No. 18. Besides the same, there are 24 persons from village Kamkheda. The learned counsel further submits that, the affidavit filed by the respondent/State is erroneous and not in consonance with the information supplied to the petitioners under the Right to Information Act and in the affidavit it is stated that record is not available, still it is submitted on affidavit that surplus land declared was minimal. According to the learned counsel, the beneficial scheme is not implemented properly by the respondent/State.

02. We have also heard the learned Assistant Government Pleader for respondents/State.

03. The State has filed an affidavit based on the mutation entries of the surplus lands. On affidavit it is stated that the list annexed with the petition at page No. 18 is erroneous and is not consistent with the revenue entries. The affidavit further states that, from the land declared surplus, the distribution has been made and 63% of land has been distributed to the members of the S.C., S.T., V.J.(N.T.) and O.B.C. Categories. The details are

given of the lands declared surplus based on mutation entries.

04. In the light of the above, it would not be appropriate to accept the contention of the petitioners. The mutation entries on record does not appear to have been disturbed.

05. In view of the above, it would not be possible for us to pass any orders in favour of petitioners. However, if the petitioners find some excess surplus land, than the land stated in the affidavit and the mutation entries, they are entitled to make representation to the Collector/Tahsildar. The writ petition is accordingly disposed of. No costs.

**[R. G. AVACHAT, J.]**

**[S. V. GANGAPURWALA, J.]**

*bsb/Dec.. 18*