IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO. 6273 OF 2016

Bhagvat s/o Yamaji Kalwaghe
age 83 years, occ. Advocate
R/o Shivajinagar, Kopargaon
Tq. Kopargaon, Dist. Ahmednagar Petitioner

Versus

1. State of Maharashtra
Through Collector, Ahmednagar
Collector Office,
Tq. & Dist. Ahmednagar

2. Additional Collector,
Ahmednagar
Collector Office,
Tq. & Dist. Ahmednagar

3. Special Land Acquisition Officer No. 10
Officer Ahmedngar,
Appointer under Ceiling Act for
Restoration of land to original lessor
A/P Tal - Ahmednagar Respondents

Mr. Sanket S. Kulkarni, advocate for petitioner.
Mr. P.K. Lakhotiya, AGP for all respondents.

CORAM : R.M.BORDE &
A.M.DHAVALE, JJ.
DATE : 18th July, 2018

ORAL JUDGMENT : (Per R.M. Borde, J.)

1 Heard. Rule. Rule made returnable forthwith and heard finally by consent of learned counsel for respective parties.

2 Petitioner is seeking a direction to the respondents to act upon and enforce the decision rendered by Maharashtra

Revenue Tribunal in Case No. 42/A/2013/AN dated 24.01.2014.

3 Respondents have refused to enforce the decision rendered by the Maharashtra Revenue Tribunal in view of the Corrigendum issued on 18.09.2015. By virtue of the Corrigendum dated 18.09.2015, powers have been conferred on the revenue authorities in terms of Section 247 of the Maharashtra Land Revenue Code, 1966. It also cannot be controverted that guidelines were issued on 04.05.2012 and, in terms of clause 9.5, appellate powers were conferred on the authority exercising jurisdiction in respect of the matters arising out of proceedings under Sections 33 and 34 of the Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1961. The jurisdiction, in view of the clause, as stated above, was exercisable by the Maharashtra Revenue Tribunal.

4 It is pointed out by learned counsel appearing for the petitioner that in the instant matter decision has been rendered by the Maharashtra Revenue Tribunal on 24.01.2014, much prior to issuance of Corrigendum by the State on 18.09.2015. Thus, it cannot be construed that the decision rendered by the Maharashtra Revenue Tribunal is without jurisdiction. On the date, on which the decision was rendered, the Maharashtra Revenue Tribunal was conferred with appellate powers to decide the appeal and a decision has been rendered in accordance with the provisions, which were applicable at the relevant time. The decision of the State Government recorded in the Corrigendum dated 18.09.2015 cannot be applied retrospectively in respect of the matters which are already disposed of and the orders have attained

finality.

5 Reliance placed by the Respondents on the orders passed by this Court in Writ Petition no. 1545/2015 and connected matters is misplaced.

6 For the reasons recorded above, writ petition deserves to be allowed and same is accordingly allowed in terms of prayer clause (B). There shall be no order as to costs.

A.M.DHAVLE
JUDGE

R.M.BORDE
JUDGE

adb/