

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO.7450 OF 2018

Ibrahim Badshah Shaikh,
Age: 77 Yrs. Occ:Agriculture
R/o. Limpangaon, Tal: Shrigonda,
Dist: Ahmednagar.

...PETITIONER

VERSUS

The State of Maharashtra
Through the Secretary,
Revenue Department,
Mantralaya, Mumbai
and others

...RESPONDENTS

...

Mr.Rahul R.Sancheti, Advocate for Petitioner.
Mr.A.M.Phule, A.G.P. for Respondent Nos.1 to 4.

...

**CORAM: NARESH H. PATIL, ACTING C.J. AND
SUNIL P. DESHMUKH, J.**

DATE : 27TH AUGUST, 2018

ORDER :

1. The Petitioner claims to be son of
Badshah Shaikh. The Petitioner claims that his

father – Badshah Shaikh was put in possession of the subject land Gut No.22 to the extent of 3 Hector 25 R., situate at village Limpangaon, Taluka-Shrigonda, District-Ahmednagar. It is further submitted by the counsel for the Petitioner that after 1961 Smt.Anusaya Dada Sudge was put in possession on Eksala Laoni basis by the concerned Authority without following proper procedure.

2. It is further submitted that orders passed by the Revenue Authorities be quashed and set aside and the land to the extent of 3 Hector 25 R., be allotted to the eligible person including the present Petitioner, in accordance with the provisions of the Maharashtra Land Revenue (Disposal of Government Lands) Rules, 1971 (for short 'Rules of 1971').

3. Learned Counsel for the Petitioner has

referred to Rule 17 of the Rules of 1971, which refers to the procedure to be followed for disposal of the land.

4. The Counsel submits that the Petitioner is not in possession of the said land but claims that he is a son of Badshah Shaikh who was earlier in possession of the said land and in view of violation of procedure enunciated under the Rules of 1971, the authorities should re-initiate appropriate proceedings for offering the rights to cultivate the said land on Eksala Laoni basis.

5. We have perused the record placed before us. We have gone through the order passed by the learned Single Judge in Writ Petition No.6780 of 2013 dated 6th January, 2014 and the order passed in Review Application No.17 of 2014 in Writ Petition No.6780 of 2013, dated 29th April, 2015.

6. In the facts of the case and considering the documents placed on record, we are not inclined to interfere in the matter in exercise of extra ordinary writ jurisdiction of this Court under Article 226 of the Constitution of India.

7. In the facts of the case, we observe that if the Petitioner would participate in the process of auctioning of the land on Eksala Laoni basis, it is for the competent authority to deal with the issue having regard to facts and circumstances of the case after taking into consideration the available record, and in accordance with law.

8. With the above observations, the Writ Petition stands disposed of.

[SUNIL P. DESHMUKH, J.]

[ACTING CHIEF JUSTICE]

asb/AUG18