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

WRIT PETITION NO.11558 OF 2017

Haribhau s/o Bhimaji Jadhav ... PETITIONER

VERSUS

The State of Maharashtra & ors. ... RESPONDENTS

.....
Mr. S.H. Pathan, Advocate holding for
Mr. M.A. Jahagirdar, Advocate for petitioner
Shri S.S. Dande, A.G.P. for State
.....

CORAM: PRASANNA B. VARALE AND
MANISH PITALE, JJ.

DATED : 4th OCTOBER, 2018.

ORAL ORDER :

1. The petitioner is before this Court with a limited prayer namely, the petitioner had approached the office of respondent No.2 i.e. District Collector, Ahmednagar time and again raising his grievance with the prayer that certain lands were shown as the Government land in the revenue record. In fact, the petitioner was the owner of the land. There was a round of litigation for some time. The petitioner came to know that the State Government has passed order for return of the lands to the original land owner. It is submitted in the application that the

petitioner committed mistake and the mistake be rectified by passing appropriate order. It is submitted in the application that, the land is the only source of livelihood of the petitioner, and dispossessing the petitioner from the land would lead the petitioner in a very precarious financial condition. The learned counsel invited our attention to the copies of applications placed on record, dated 8.2.2011, 25.3.2011 and 29.7.2011.

2. The learned counsel then submitted that, as the petitioner was not well conversant with the law, the petitioner could not approach this Court earlier and only on receiving certain legal assistance, he could approach this Court.

3. It is stated in the petition that, on one application filed by the petitioner, report from Tahsildar was called. The Tahsildar, Parner submitted a detailed report dated 29.7.2011 to the respondent No.2, the Collector. It is also stated in the petition that the statement of petitioner is also recorded by the Circle Officer, Bhalavni, Taluka Parner, District Ahmednagar and the Circle Officer submitted his report to the Tahsildar on 26.3.2011. It is submitted by the petitioner that, these reports of the lower revenue authorities are positive and in favour of the petitioner. It is also stated by the petitioner that, in spite of attending the office of the respondent No.2 time and again, the only reply received by the petitioner was that the file is not traceable.

4. Notice was issued by this Court vide order dated 25.9.2017. Considering the limited grievance raised by the petitioner, we are of the opinion that this petition can be disposed of by giving following directions :-

- (i) The petitioner to file fresh application to the respondent No.2 i.e. the District Collector of Ahmednagar along with the copies of earlier applications which are placed on record by the petitioner, namely dated 8.2.2011, 25.3.2011 and 29.7.2011 and the copy of the statement of the petitioner. The petitioner also to place the copy of the report of the Circle Officer dated 23.6.2012 along with the fresh application. The petitioner to file the application within two weeks from today.
- (ii) On receipt of the application, the District Collector, Ahmednagar to pass appropriate order within four weeks.
- (iii) Thus, the entire exercise is to be completed within six weeks from the date of the order of this court.

5. Writ Petition is accordingly disposed of with the above directions.

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6. The learned A.G.P. to communicate this order to the Collector, Ahmednagar.

7. Authenticated copy of this order be provided to learned A.G.P.

(MANISH PITALE)
JUDGE

(PRASANNA B. VARALE)
JUDGE

fmp/-

Faridkhan
Mahammadkhan
Pathan

Digitally signed
by Faridkhan
Mahammadkhan
Pathan
Date:
2018.10.05
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