

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

22 WRIT PETITION NO. 14913 OF 2017

VISHWANATH VENKATI BEJGAMWAR

..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR
NANDED

..RESPONDENT

...

Mr. Pravin V. suryawanshi, Advocate for the
Petitioner.

Mr. S. B. Pulkundwar, AGP for Respondent-State.

...

**CORAM : S. V. GANGAPURWALA &
SUNIL K. KOTWAL, JJ.**

DATED : 09th AUGUST, 2018.

PER COURT:-

1. Mr. Suryawanshi, learned counsel for the petitioner submits that the order of dismissal against the petitioner is erroneous. Without conducting the proper enquiry, the petitioner has been dismissed. The Tribunal did not consider the case of the petitioner in its proper perspective. The petitioner had given the copies of the 7/12 extract of Survey Nos.37/4/1 and 37/4/2 on the basis of record available. These aspects has not been considered by the Authority nor by the Tribunal.

2. The learned A.G.P. supports the order.

3. It has been observed that the Departmental Enquiry was initiated. The petitioner did not give any statement in defence in the Departmental Enquiry. Old Record of Rights and Record of Rights after consolidation of land holdings were examined by the Collector in great detail. The Tribunal has observed as under:

"It was held that the applicant had issued 7/12 extract of S.No.37/4/2 to Nivruti against the rules and the order of removal of service was upheld. The order of Divisional Commissioner, is also reasoned order and the issue raised by the Applicants have been discussed. It is held that:-

"The S.D.O. had rejected the contentions of appellant after recording the evidence of Gopalrao also, who had pointed out that the P.O.R. pertaining to S. No. 37/4/1 and S. No. 37/4/2 were not in his hand writing. The S.D.O. held that there was no mutation in respect of S. No.37/4 during the tenure of Gopalrao as Talathi in Choundi Saza. He has further held in his order dated 8.12.1977 dismissing appellant that appellant himself introduced 2 new S. Nos. i.e. S. Nos.37/4/1 and 37/4/2 in the P.O.R. and subsequently without any order of a competent authority in respect of the mutation entry he has given a copy of 7/12 extract of the suit land to Nivrutti Ibra.""

4. Considering the above, no error has been

committed by the Tribunal in dismissing the original application. Writ Petition as such is disposed of. No costs.

(SUNIL K. KOTWAL)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

Devendra/August-18