

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.11033 of 2012

Shri Ashiq Husain |Akbaral Ali Bohari and ors.Petitioners
versus
The State of Maharashtra and ors.Respondents

Mr. Drupad S. Patil, advocate for the petitioners.
Mrs. M. P. Thakur, AGP for the State.
Mr. Anand S. Kulkarni, advocate for the respondent No.3.
Mr. M. S. Prabhune i/b. Mr. Sarang Satish Aradhya, advocate for the respondent No.4.

**CORAM : RANJIT MORE &
SMT.ANUJA PRABHUDESSAI, JJ.**

DATE : 25th JUNE, 2018.

P. C. :

1. The predecessor-in-title of the petitioners, by registered document dated 25th March, 1918, handed over possession of land admeasuring about 30 gunthas from revisional survey No.93 to Local Board for the purpose of construction of veterinary hospital on a condition that the user shall not be changed. The possession of the said property was given without consideration. Under the said document, the owner of the land was entitled to resume that property in case of change of user/owner of the said land.

2. The petitioners have approached this Court making grievance that the property was initially transferred by the Local Board to Zilla

Parishad and, thereafter, by Zilla Parishad to the Animal Husbandry Department. It is also the grievance of the petitioners that the user of the said land is changed and it is no longer used for veterinary hospital.

3. The Zilla Parishad as well as the Government have filed affidavit-in-reply and contested the petition. They have stated that in the year 2012, a new building is constructed on the said land and the premises are being used for veterinary hospital. They denied that there is change in the user in respect of the said land. The learned AGP as well as learned counsel for the Zilla Parishad specifically stated that the name of the Commissioner, Animal Husbandry, Maharashtra State, is recorded in the said property as Wahiwatdar only. The name of the petitioners is recorded as owners of the said property in the record of rights of the said property. In the light of the above, the grievance as regards change of the user, no more, survives. The writ petition is, accordingly, disposed of.

[SMT.ANUJA PRABHUDESSAI, J.]

[RANJIT MORE, J.]