

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 294 OF 2016

Shri. Rajendra V. Raut ... Petitioner.
V/s.
The Tahsildar, Solapur and ors. ... Respondent.

WITH

CIVIL APPLICATION (ST) NO. 1464 OF 2017

Shri. Sudhir A. Deshmukh ... Intervenor/Applicant
In the matter of
Shri. Rajendra V. Raut ... Petitioner.
V/s.
The Tahsildar, Solapur and ors. ... Respondent.

Mr. Balkrishna D. Joshi a/w. Mr. Virendra Pethe for the Petitioner.
Mr. Abhijit Kulkarni for the Applicant/Intervenor in CAWST 1464 of 2017.
Mr.N.C. Walimbe, AGP for Respondent Nos.1 to 3.

CORAM : A.S. OKA AND M.S. SONAK, JJ.

DATE : 24th AUGUST 2018.

P.C.:

1] The prayer clause (a) of the writ petition under Article 226 of the Constitution of India, which is the only substantive prayer, reads thus:

“a. This Hon'ble Court be pleased to issue a Writ of Mandamus or any other writ, order or direction in the nature of Writ or Mandamus directing the Respondents to take appropriate steps within time bound programme to recover Revenue from the persons who are using Deshmukh Vatani Land for Non Agricultural Purpose in Solapur Distric;”

2] There is an affidavit-in-reply filed by Shri. Shivaji Jagtap, Sub-Divisional Officer, Solapur No.1, District Solapur, in which, reliance is placed on a show cause notice issued on 18th August 2008 to the applicant in Civil Application (St) No. 1464 of 2017. In paragraph 7 of the affidavit, Shri.Shivaji Jagtap, Sub-Divisional Officer, has stated thus:

“7. I further say that the Respondent Authority will take necessary action in respect of seizure of said property or the recovery of the najarana and fine amount from occupier of the said land as early as possible after completion of proceeding which is pending before Respondent Authorities.”

3] The learned counsel appearing for the applicant in the civil application submits that the applicant has made a representation to the Collector on 5th August 2014.

4] The assurance given in paragraph 7 of the affidavit of the Sub-Divisional Officer is that action will be taken in accordance with law. We accept the statement made in paragraph 7 of the affidavit of Shri. Shivaji Jagtap, Sub-Divisional Officer dated 21st September 2017.

5] The action in terms of paragraph 7 of the affidavit of Sub-Divisional Officer shall be taken as expeditiously as possible and in any event within a period of four months from today.

6] We make it clear that action shall be taken in accordance with law. If the applicant in Civil Application (St) No. 1464 of 2017 is aggrieved by the action, he can always take recourse to the remedies available under the law. All his contentions are left open.

7] The petition is disposed of with the above directions. Pending civil application does not survive and the same is also disposed of.

(M. S. SONAK, J.)

(A.S.OKA, J.)

Dinesh
Sadanand
Sherla

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by Dinesh
Sadanand Sherla
Date: 2018.09.04
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