

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 6631 OF 2014

- 1] Vithal S/o Bhujangrao Bedre (Jadhav),
Age : 48 years, Occu : Service,
R/o Sinchan Nagar, Parbhani,
Tq. and Dist. Parbhani
 - 2] Shankar S/o Bhujangrao Bedre,
Age : 48 years, Occu. : Service,
R/o Bhagyalaxmi Nagar, Parbhani,
Tq. and Dist. Parbhani
- .. Petitioners

Versus

- 1] The State of Maharashtra
Through the Collector,
Collector Office, Parbhani
 - 2] The Tahsildar,
Tahsil Office, Parbhani,
Tq. and Dist. Parbhani
 - 3] The Talathi,
Parbhani Sajja, Parbhani,
Tq. and Dist. Parbhani
- .. Respondents

...
Mr. Santosh S. Naik, Advocate for petitioners
Mr. A.S. Shinde, AGP for respondent-State
...

CORAM : SUNIL P. DESHMUKH &
R.G. AVACHAT, JJ.
DATE : 25-03-2019

ORAL JUDGMENT (PER – SUNIL P. DESHMUKH, J.) :

1. Rule. Rule made returnable forthwith. Heard learned counsel for parties finally, by consent.

2. After hearing learned counsel for parties, it surfaces that petitioners are staking claim to portions of lands bearing *gat* no. 336, 337 and 338 situated at Parbhani. Radhabai, it appears that, had been erstwhile holder of land and revenue record specially 7/12 extract had been bearing the same.

3. Although, learned counsel for petitioners submits that while no land from *gat* no. 336 had been acquired for Vasantao Naik Marathwada Agricultural University, yet, stake to said land is being put under a communication of University while petitioners have been requesting the revenue authorities to enter their names in respect of lands bearing *gat* no. 336, 337 and 338.

4. Learned counsel submits that Radhabai had left behind petitioners as legal heirs and accordingly they had approached civil court under Miscellaneous Civil Application no. 39 of 2013 and the certificate of heirship had been granted in their favour by the civil court. Accordingly application for mutating their names in revenue record and record of rights had been moved. However, respondent no.3 (Talathi) had expressed that said lands had been acquired for Vasantao Naik Marathwada Agricultural University. Upon enquiry by petitioners with university, a

communication, according to petitioners had been received back, informing that *gat* no. 336 had not been acquired and that specific portions only from land *gat* no. 337 and 338 had been acquired and university would not have any objection for mutating names of petitioners over the portions of properties not acquired by the university.

5. Despite number of visits and applications to respondents no. 2 and 3 clarifying the position, no action was being taken. There had been very cold response to the visits and applications of petitioners and, thus, petition has been filed by petitioners.

6. In reply to the petition, it has been referred to that a communication had been received addressed to the collector dated 04-02-2014 from the university, purporting to stake claim to lands *gat* no. 336, 337 and 338 as also possession of university is claimed thereon.

7. It has further been referred to that going through all facts and on verification, a proper decision would be taken and all efforts would be made in said direction. The affidavit-in-reply further makes reference to that several alternate ways to have settlement of grievance are available and writ petition may not be

necessary for said purpose, further reiterating that the matter being pending with respondent no. 2, a decision would be taken on the application.

8. Having regard to aforesaid, we deem it appropriate that a proper decision in respect of application submitted by petitioners by the concerned authority is taken as early as possible on verification of the relevant records. It is hoped that a decision would be taken sooner, preferably within a period of six (6) months, if already not taken.

9. Writ petition accordingly is disposed of.

10. Rule is made absolute.

[R. G. AVACHAT]
JUDGE

[SUNIL P. DESHMUKH]
JUDGE

arp/