

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

929 WRIT PETITION NO.9664 OF 2015
WITH CA/16461/2016 IN WP/9664/2015 WITH CA/3108/2019
IN WP/9664/2015 WITH CA/3110/2019 IN WP/9664/2015

**AMIRBHAI @ AMBIRBHAI VAJIRBHAI SHAIKH
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...
Advocate for Petitioner : Mr. Shaikh Mazhar A. Jahagirdar
AGP for Respondents 1 to 6 : Mr. S.N. Morampalli
Advocate for Respondents 7 & 8 : Mr. R.R. Karpe
Advocate for Respondents 8A to 8C : Dr. Swapnil Tawshikar
...

**CORAM : T.V. NALAWADE AND
SUNIL K. KOTWAL, JJ.
DATED : 07/03/2019.**

PER COURT :

1. Civil Application No. 3110/2019 is filed by the legal heirs of respondent No. 8 for condonation of delay caused in coming on record as legal heirs of respondent No. 8 and also for permission to come on the record. In ordinary course, such application is to be made by the petitioner. The learned counsel for petitioner is present and at present, no information was given to him about the death. In view of this circumstance, the application is allowed. Abatement, if any, is set aside by condoning the delay. Amendment is to be made out immediately in the petition to show the legal heirs of aforesaid respondent.

2. Notice to legal heirs of respondent No. 8. It is waived

by Shri. Tawshikar Advocate.

3. In Writ Petition, after hearing the learned counsel for petitioner, some hearing was given to the learned AGP. He produced the record of circular of the State Government dated 4.5.2012 showing that the procedure could have been adopted by the authority created for return of the land under Ceiling Act. The submissions made in the present matter show that there is dispute between some persons, who claim to be entitled to succeed to the property of deceased lessor either under personal law or under will. In the scheme itself, it is provided that when there is such dispute, the party needs to go to civil Court. Such order is made by the authority also. In view of these circumstances and as this Court cannot entertain the factual aspect of the matter while deciding the petition, the petition is disposed of with liberty to approach the Civil Court for getting the shares defined. Intervention application is disposed of. Other application, if any, also stand disposed of.

[SUNIL K. KOTWAL, J.]

[T.V. NALAWADE, J.]

ssc/