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

WRIT PETITION NO.1862 OF 2019

Ashok s/o Pandharinath Borude,
Age: 43 years, Occu: Agril.,
R/o. Dinnapur, Tq. Paithan,
Dist. Aurangabad

..PETITIONER

VERSUS

1. The Tahsildar, Paithan,
Tq. Paithan, Dist. Aurangabad

2. The Collector, Aurangabad,
Dist. Aurangabad

..RESPONDENTS

Mr P. N. Sonpethakar, Advocate for petitioner;
Mr K. N. Lokhande, A.G.P. for respondents

**CORAM : PRASANNA B. VARALE
AND
S. M. GAVHANE, JJ.**

DATE : 11th February, 2019

ORAL ORDER:

Heard learned Counsel appearing on behalf of the petitioner.

2. Considering the limited prayer made in the petition i.e. seeking directions to respondent No.1 to decide the application of the petitioner expeditiously, the petition is taken up for hearing/disposal at the admission stage.

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3. The petitioner had approached the Tahsildar, Paithan by submitting an application along with other applicants. It is brought to the notice of the Tahsildar that there is a series of litigations and ultimately, the orders are passed by the High Court. The petitioner along with others, initially approached the Deputy Collector, Aurangabad by filing a tenancy proceedings against one Shri Hari Dashrath Borude. It was submitted that these applicants before the Deputy Collector were legally entitled for possession of certain property in the nature of agricultural land i.e. 3 Acres land out of 6 Hector 47 Are from the Survey No.6 and Gut No.19. The Deputy Collector, in his detailed order allowed the application and directed the Tahsildar, Paithan to handover the possession of land to the applicants.

4. It seems that various writ petitions were filed challenging the order of the Deputy Collector. In a bunch of these petitions, namely, Writ Petition No.1411 of 2014 and other connected petitions, the learned Single Judge of this Court was pleased to observe that the Tenancy Court committed an error in giving directions to issue certificate under Section 38(6) of the Hyderabad Tenancy and Agricultural Lands Act, 1950 only in favour of Pandharinath and then the findings of the learned Single Judge are that the decision of the Tenancy Court is unsustainable and without interfering in other action taken by the Tenancy Court for making transaction in breach of the provisions of Section 50-B of said Act, issued directions to the authority to issue certificate in favour of four sons of Gopinath in respect of one family

(3)

holding. Except Writ Petition No.1411 of 2014 and Writ Petition No.1432 of 2014, the other writ petitions were dismissed.

5. Thus, the submission of learned Counsel for the petitioner is, in spite of all the aforesaid facts brought to the notice of Tahsildar, no action is initiated and as such, the petitioner is left with no choice but to approach this Court.

6. Perusal of the application/representation dated 20th January, 2017 submitted to Tahsildar, Paithan shows that the petitioner along with other applicants stated the facts in detail. As such, we see no impediment to dispose of the present petition with directions to Tahsildar, Paithan to decide application dated 20th January, 2017 expeditiously and not later than twelve weeks from the date of the order of this Court. Needless to state that the Tahsildar to decide the application on its own merits.

With the aforesaid observations/directions, the petition is disposed of.

(S. M. GAVHANE, J.)

(PRASANNA B. VARALE, J.)

sjk