

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

WRIT PETITION NO.229 OF 2019

YASHWANT GYANBA MORE AND OTHERS
VERSUS
KASHIBAI PANDITRAO PATIL AND OTHERS

...

Advocate for the Petitioners : Shri Kulkarni Ashutosh S.

Advocate for Respondents 1 to 3 : Shri S.S.Shinde

AGP for Respondent 14 : Shri S.R.Yadav

...

CORAM: RAVINDRA V. GHUGE, J.

DATE :- 17th October, 2019

Per Court:

1 I have heard the learned advocates for the respective sides.

2 Considering the order that I am passing, I am not required to
advert to the entire submissions of the litigating sides in order to avoid
making of any observation.

3 Suffice it to say that the following issues have cropped up,
which were never considered by the District Collector, Land Reforms,
Latur :-

- (a) Whether, the respondents (Kashibai Patil and others) could
approach the authority under Section 98 of the Hyderabad
Tenancy and Agricultural Lands Act, 1950 keeping in view
the judgment of this Court delivered in *Sampat s/o Zingu vs.*

***Farooq Ali s/o Hyder Ali and others, 1996 (2) MLR 578 :
1997 (2) Bom.C.R. 699?***

- (b) Whether, these respondents prove that they are the legal heirs of the earlier protected tenant?
- (c) Whether, the protected tenant had declared that he was the joint owner of the property and was no longer a tenant?
- (d) Whether, the proceedings were logically concluded in 1973 and these respondents initiating the proceedings in 2013, after 40 years, would render such proceedings untenable?
- (e) Whether, this gap of 40 years is fatal to the proceedings initiated by the respondents?
- (f) Whether, the respondents prove that the petitioners (Yashwant More and others) are the tenants?

4 In view of the above and by the consent of the parties, the impugned order dated 07.06.2018 is quashed and set aside and File No.2013/General/ CR-110 shall stand remitted to the office of the District Collector, Land Reforms, Latur or the Deputy Collector, Land Reforms, Latur, as the case may be.

5 The authority deciding the said proceeding would consider all the contentions of the litigating sides and would also deal specifically with the points formulated in paragraph 3 above.

6 The litigating sides shall appear before the District Collector, Land Reforms, Latur on 04.11.2019 at 03:00 pm and formal notices need not be issued. They shall abide by the dates of hearing as would be granted by the authority. It is expected that the authority would pass a reasoned order and would consider the contentions and the points formulated as well as the case law that may be cited.

7 This Writ Petition is, accordingly, disposed off.

kps

(RAVINDRA V. GHUGE, J.)