

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 7801 OF 2017

Dnyandev Rajaram Palave and others ... Petitioners
Versus
The State of Maharashtra and others ... Respondents

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Mr. Rishikesh Soni a/w Prabhakar M. Jadhav for Petitioners.
Mr. N.C. Walimbe, AGP for Respondent Nos. 1 to 4.

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**CORAM : B. P. DHARMADHIKARI &
 SANDEEP K. SHINDE, JJ.**

DATE : 24th JANUARY, 2019.

P. C.:

1. Land of predecessor in title of Petitioners was found surplus under the Maharashtra Agricultural Lands Ceiling on Holdings Act, 1961 and it was then made over to Respondent No.5 Agricultural Board for cultivation.
2. The State thereafter decided to stop activities of that Board and therefore a decision was taken to return the land to eligible original owners. The land or alternate land in proportion of land acquired, was therefore to be returned to the original owners.
3. In present matter after that policy decision, till date steps have not been taken to return the land. Petitioners' plead that they are the original owners and hence entitled to its allotment.

They also pointed out that land continues with respondent No.5 even today.

4. Learned AGP submits that respondent No.5 Board and State Government has only demanded succession certificate as proof of relationship with original owner. If that certificate is furnished, appropriate action can be taken. He also points out that as yet respondents have not filed any reply on record and facts are still not verified.

5. In the light of admitted policy decision, we find that petitioners claiming to be descendants discharge have to establish entitlement and eligibility to that land which formed subject matter of ceiling proceedings under 1961 Act.

6. If the petitioners establish the same, the respondents thereafter can proceed further to implement the policy decision.

7. By impugned communication dated 22nd July, 2016, petitioners have been called upon to produce succession certificate issued by competent Court. We, therefore find that impugned communication does not in any way prejudice the interest of petitioners.

8. Taking overall view of the matter, interest of justice can be met with by giving petitioners time of six months to submit necessary succession certificate. If the same is furnished, the respondents shall thereafter examine their eligibility in accordance with policy and take suitable decision within next two months. If, petitioners are entitled to receive land, same shall be placed in their possession. Needless to mention that question of eligibility and entitlement of petitioners possession is kept open and party aggrieved thereafter can approach this Court again in the matter.

9. Accordingly, writ petition is partly allowed. No costs.

(SANDEEP K. SHINDE, J.) (B. P. DHARMADHIKARI, J.)