

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION NO.793 OF 2016
IN
WRIT PETITION NO.6910/2015

Babarao S/o Deorao Pandagale ..VS.. State of Maharashtra & Oth.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri Alok Upasani, Advocate for the petitioner
Ms Geeta Tiwari, A.G.P. or the respondent No.1
Shri Vishal Anand, Advocate for respondent Nos.9, 10(i) to 10(iii)

CORAM : Z.A.HAQ, J.
DATED : 18/06/2019

Heard Shri Vishal Anand, Advocate for the
respondent Nos.9, 10(i) to 10(iii), Shri Upasani,
Advocate for the petitioner and Ms Geeta Tiwari, AGP for
respondent No.1.

2] Pursuant to the order passed by this Court on
03/10/2017, the Collector, Yavatmal has submitted
report dated 5th January/5th February, 2018. This report
states that according to the revenue records, field Survey
No. 22 (old) i.e. Gat No. 285 and 288 (new) were owned
by Babarao Pandagale (present petitioner) and
Panchafulabai Maske, and on 03/05/1991, 2 Hector 07
Are agricultural land and 0 Hector 44 Are pot kharab
land i.e. 2 Hector 51 Are land out of survey No. 285 and
1 Hector 04 Are land out of survey No. 288 was declared
surplus in Ceiling Case No.11/60A(6)/1990-1991 and
was allotted to Narayan S/o Malhari Fating i.e.

respondent No.10, and Tukaram S/o Masaji Khokale exchanged the land allotted to him with Shivaji S/o Laxman Londhe i.e. respondent No.9. According to the report given by the Collector, respondent No.10 got 2 Hectar 51 Are land and as per the exchange with Tukaram S/o Masaji Khokale, the respondent No.9 is having 2 Hectar 65 Are land. The claim of the respondent Nos.9 & 10 that they are in possession of the lands allotted to them is supported by the 7/12 extract placed on record alongwith this civil application.

3] Though the petitioner claims that being owner he had been in possession of the entire land, the petitioner has not placed any evidence on record to show that the report of the Collector regarding allotment of land, cannot be accepted.

4] Hence, the interim order granted by this Court on **22/12/2015** is modified/clarified as follows:

Except for the land allotted to the respondent No.10 on 03/05/1991, and the land which is in possession of respondent No.9 after the exchange with Tukaram S/o Masaji Khokale, the possession of the petitioner over the remaining land shall stand protected.

Civil application is **allowed** accordingly. In the circumstances the parties to bear their own costs.

(Z.A.HAQ, J.)