

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

Writ Petition No.7154/2018

**(Dr. Brahmanand Bajirao Karanjekar and another .vs. The Additional
Commissioner, Nagpur Division, Nagpur and ors.)**

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

Court's or Judge's orders.

Mr. B.G. Kulkarni, Advocate for Petitioners.
Ms. Ritu Kalia, AGP for Respondent Nos. 1 to 4.

CORAM : Manish Pitale, J.
DATED : February 11, 2019.

By this writ petition, the petitioners have challenged order dated 01.08.2018 passed by respondent no.1- Additional Commissioner, dismissing appeal and confirming the other impugned order dated 18.02.2016 passed by the respondent no.2 -Additional Collector, whereby the allotment of land made at the behest of the petitioners has been cancelled.

2. At the out set, it is submitted by the learned counsel for the petitioners that the petitioners had applied for allotment of land for play ground for the college run by the Wainganga Bahuuddeshiaya Vikas Sanstha. It is pointed out that by the original order dated 07.11.2001 whereby the allotment of land was made, the said fact regarding application having been moved for allotment of land to the said college was recorded by the Sub Divisional Officer. It is submitted that respondent nos. 1 and 2 proceeded to hold against the petitioners mainly on the basis that they had

applied for allotment of land in individual capacity and on that basis by applying the relevant rules, respondent nos. 1 and 2 erroneously cancelled the allotment. It was submitted that it would be in the interest of justice to remand the matter to the respondent no.2 -Additional Collector to consider the case of the petitioners for allotment of land not in their individual capacity but on behalf of the said educational society. It is undisputed that the petitioners were the President and the Secretary of the said society even when the application for allotment of land was made and the order dated 07.11.2001 for allotment of land was passed by the Sub Divisional Officer.

3. The learned A.G.P. appearing for the respondents submits that there would be no objection to such remand of proceedings, to be decided by respondent no.2 in accordance with the law.

4. In the light of the above, the present writ petition is partly allowed, the impugned orders dated 01.08.2018 and 18.10.2016 passed by respondent nos. 1 and 2 are quashed and set aside. The parties are relegated to the respondent no.2- Additional Collector for fresh consideration of the case of the petitioners on the basis that the allotment of land in question is required to be considered for the aforesaid society i.e. Wainganga Bahuuddeshiya Vikas Sanstha and not in the individual capacity of the petitioners, to be decided in accordance with the provisions of the Maharashtra Land Revenue Code, 1966 and the Maharashtra Land

Revenue (Disposal of Government Lands) Rules, 1971. The respondent no.2 -Additional Collector shall endeavour to dispose of the application expeditiously and in any case within a period of four months from today.

5. Writ Petition is disposed of.

JUDGE

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