

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

15 WRIT PETITION NO. 9033 OF 2019

WAHID ALI S/O SABDAR ALI AND OTHERS
VERSUS
VASANT S/O HARI PATIL AND OTHERS

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Advocate for Petitioners : Ms. Kazi Sabahat T.
Advocate for Respondent Nos.1 & 2 : Mr. Mohit S. Shah
AGP for Respondent Nos. 3 to 7-State : Mr. K. B. Jahdavar

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CORAM : V. K. JADHAV, J.
DATED : 09th MARCH, 2020

ORDER :-

1. By consent, heard both sides finally at admission stage.
2. It appears that the dispute is pertaining to the nature of the suit land, whether it is a land owned and possessed by the forefathers of the petitioners or whether it is an *Inam* land. Though initially the Sub Divisional Officer, Shahada, by judgment and order dated 28.12.2017, decided the dispute in favour of the petitioners and the said order has been confirmed by the Additional Collector, Nandurbar, the Additional Commissioner, Nasik has remanded the matter, by setting aside the judgment and order passed by the Sub Divisional Officer so also by the Additional

Collector, to the Tahsildar with certain directions. The Commissioner has observed that on perusal of the 7 X 12 extract, it appears that there is entry about the *Pirsthan Inam* land since 1930-31. However the Additional Commissioner, by giving reference to the submissions made on behalf of the respondents herein (revision petitioners before the Additional Commissioner) observed that those entries in the 7 X 12 extract are appearing incorrectly and further examined the documents. It revealed that there is no entry of *Inam* land pertaining to the suit land and further, when details were called from the Talathi, village Pingane about the *Inam Patrak*, it was reported by letter dated 23.07.2018 that the *Inam Patrak* is not applicable to the village Mouje Pingane. Learned Commissioner has therefore directed the Tahsildar to inspect and examine the entire record including *Peta Khatevahi*, Namuna No.3, *Devsthan Inam Patrak*, other documents and the entries on the 7 X 12 extract right from the beginning and to decide as to whether the suit land is *Inam Devsthan* Class-3 or not. In the backdrop of these observations, I find no fault in the order passed by the learned Commissioner. The said order is rightly confirmed by the Hon'ble Minister. It further appears that the concerned Tahsildar, by order dated 28.06.2019, has decided the matter after

remand. It is thus part of record that the order passed by the Commissioner, confirmed by the Hon'ble Minister, has been implemented and even the present petitioners had appeared before the concerned Tahsildar after remand order and contested the said proceedings by filing their written statement. The petitioners are always at liberty to prefer appeal against the said order dated 28.06.2019, if so desired. However, there is no reason to interfere in the well reasoned order passed by the Commissioner, confirmed by the Hon'ble Minister. Hence, I proceed to pass the following order:

ORDER

The Writ Petition is hereby dismissed.

(V. K. JADHAV, J.)

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