

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

**936 WRIT PETITION NO.12416 OF 2017**

**SHRIGONDA TALUKA SAKHAR KAMGAR UNION SHRAMIK AHMEDNAGAR  
AND OTHERS  
VERSUS  
THE STATE OF MAHARASHTRA AND OTHERS**

Mr. B. B. Yenge h/f Mr. S. S. Dixit, Advocate for the petitioners

Mr. A. S. Shelke, Advocate for petitioner No. 3

Mr. S. R. Yadav, AGP for the respondent/State

Mr. P. V. Barde, Advocate for respondent No. 2

Mr. C. T. Jadhav h/f Mr. K. B. Borde, Advocate for respondent No.

Mr. S. S. Dande and Mrs. M. S. Mhase, Advocate for respondent No. 5

Mr. T. V. Bedre h/f Mr. V. S. Bedre, Advocate for respondent No. 6.

**CORAM : Z.A. HAQ &  
S.M. GAVHANE, JJ.  
DATED : 03.03.2020**

**PER COURT:-**

. Heard.

2. After hearing the learned advocates for the respective parties, we expressed that the claim of the petitioners as per Section 27(3)(b) and Section 28-1AA of the Maharashtra Agricultural Lands (Ceiling on Holding) Act, 1961 is not supported by any material on record. The petitioners have not been able to point out that the members of the Unions, on whose behalf this

petition is filed seeking directions to the respondents to allot 2 Hectare (5 Acres) of land, were the employees on the compact blocks as agriculture labourer or as technical staff, engaged on or in relation to the agricultural produce raised or grown on the land comprising those compact blocks. The petitioners have not produced any material on record to show that the members of the Unions on whose behalf petition is filed were rendered unemployed as the lands of such blocks came to be declared as surplus land under the provisions of the Act of 1961. Learned advocate for petitioners pointed out recommendation No. 10 of Ramrarje Naik-Nimbalkar Committee and submitted that as per this recommendation, each employee is entitled for allotment of the land on which he/she is having his/her house and in addition, the employee is entitled for land upto 2 Hectare. We find that as per recommendation No. 10, grant of agricultural land upto 2 Hectare is to be made subject to satisfying the other conditions; and recovery of the amount equivalent to price of that land from the VRS benefits. The recommendation No. 10 does not entitle the members of the Unions to claim 2 Hectare land as per Section 27(3)(b) or Section 28-1AA of the Act of 1961.

3. Faced with the situation as it developed at the time of hearing of the petition, learned advocate for the petitioners, on instructions, sought permission to withdraw the petition with liberty to move appropriate authority or file fresh petition, pointing out the right of the individual members of the Unions for allotment of land (for residence as well as agriculture) as sought by the petitioners.

4. The petition is disposed of as withdrawn with liberty as prayed for.

[S.M.GAVHANE,J.]

[Z. A. HAQ,J.]