

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

WRIT PETITION NO.4296 OF 2018

MADHUKAR DAGDOJI DESHMUKH
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr. S. V. Hange h/f Mr. Niteen V. Gaware
AGP for Respondent Nos.1 to 4-State: Mr. A. A. Jagatkar
Advocate for Respondent Nos.5 to 9: Mr. Rajendra Deshmukh (Senior
Advocate) a/w Mr. Kunal Kale, Ashwini Sahasrabudhe i/b Mr. Devang
Deshmukh

...

CORAM : N. B. SURYAWANSHI, J.

DATE : 8th December, 2021

PER COURT:

. The petitioner, by this petition, impugns the notice issued by the Hon'ble Minister in Appeal No. 2015/Pra. Kra-245-J-7 filed by the respondent Nos.5 to 9, on the ground that the said proceeding is not maintainable in terms of Section 45(2) of the Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1961 (for short "the said Act").

2. It is the contention of the petitioner that the said section prohibits entertaining any proceeding which is initiated beyond the period of three years from the date of the declaration of the surplus land.

3. Admittedly, the revenue authorities have held, in favour of the petitioner that in view of Section 45(2) of the said Act, the

proceeding cannot be initiated beyond the period of three years. The said order is challenged in appeal by the respondent nos.5 to 9 before the Hon'ble Minister. The Hon'ble Minister has issued notice calling upon the petitioner to appear in the appeal for hearing. The petitioner has an opportunity to oppose the appeal and put-forth his contentions, so also the authorities which he seeks to rely upon in support of the present petition, before the Hon'ble Minister. It is not possible, at this stage, to accept the arguments of the petitioner that the proceeding filed before the Hon'ble Minister is without jurisdiction and the same cannot be entertained by the Hon'ble Minister. The petitioner is entitled to question the jurisdiction and the merits of the appeal filed by the respondent Nos. 5 to 9 before the Hon'ble Minister. In this view of the matter, this Court is not inclined to entertain the petition. The writ petition is, therefore, dismissed with liberty to the petitioner to oppose the appeal on merits. All contentions of respective parties are kept open.

4. In the meanwhile, the parties shall maintain *status quo* for a period of three months, during which, the Hon'ble Minister to decide the matter on merits after hearing the concerned parties.

(N. B. SURYAWANSHI, J.)