

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

WRIT PETITION NO. 4890/2021

Pandu Bhima Chavan ...Versus... Hon'ble Minister, State of Mah and others

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

Court's or Judge's orders

Mr. Anand S. Deshpande, Advocate for petitioners
Ms. T.Khan, AGP for Respondent Nos.1 to 4.
Mr. Anil Kumar, Advocate for Respondent No.5

CORAM : AVINASH G. GHAROTE, J.

DATE : 02/12/2021

Heard Mr. Deshpande, learned counsel for the petitioner, who submits that the petitioner was put in possession of land bearing Survey No.106, New Gat No. 191, Mouza Tuptakli, Tq. Digra Dist. Yavatmal, by the original allottee sometime in the year 1986 and is continuing in cultivating possession since then. The name of the petitioner has been duly recorded in the 7/12 extract as a possessor of the said field.

It is contented that on 03.12.1987, the said land was purchased by Respondent No. 5 without seeking permission, as the same was allotted to Sadashiv Atkulwar, in the 'serviceman category', as a result of which, by an order dated 14.3.2003, the land stood forfeited to the State Government. On a revision filed by Respondent No.5, by an order dated 4.9.2019, the order dated 14.3.2003 came to be set aside and Respondent No.5 was directed to pay the unearned income upon the value of the

land on the date of his purchase. Since the petitioner was not made a party to this proceedings, an application for review came to be filed, which also came to be rejected on 13.10.,21.

It is these two orders which are impugned in the present petition.

Learned counsel for the petitioner submits that since the petitioner was a person in possession of the property, he was a necessary party to the proceedings before Respondent No.1 and on that ground, the proceedings are infirm. For the same reason the rejection of the review is also incorrect. He however fairly states that there is no document creating any legal right in favour of the petitioner or for that matter any document indicating in which capacity the petitioner was put in possession.

That being the position, the petitioner would naturally have no locus to intervene in the application for restoration filed by Respondent No.5, as any such plea is without a semblance of a right whatsoever. I therefore do not see any reason to interfere in the impugned orders. However, needless to say that any action of evicting the petitioner from the said field shall only be in consonance with the provisions as applicable in that regard and not otherwise. The petition is dismissed.

JUDGE

rvjalit