

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.3493 OF 2000
WITH
CIVIL APPLICATION NO. 8007 OF 2013
WITH
CIVIL APPLICATION NO. 4625 OF 2014
WITH
CIVIL APPLICATION NO. 3272 OF 2019
WITH
CIVIL APPLICATION NO. 8974 OF 2005
WITH
CIVIL APPLICATION NO. 5434 OF 2008
IN
WRIT PETITION NO. 3493 OF 2000

Md. Sadroddin Abdul Kadar Kazi & Others ...Petitioners
Versus
State Of Maharashtra And Ors ...Respondents

Mr. C.R. Deshpande, Advocate for the petitioners.
Mr. S.B. Pulkundwar, AGP for State.
Mr. P.V. Gole h/f. Mr. V.D. Gunale, Advocate for respondent No 7.
Mrs. A.N. Asnari, Advocate for respondent No. 3.
Mr. A.A. Joshi h/f. Mr. S.V. Natu, Advocate for respondent No. 6.

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 3rd OCTOBER, 2022

ORDER:

1. This petition challenges the order dated 15.10.1981 passed by the Officer on Special Duty in Revision Case No. HIA/4373/123095-L-4(175) and the order dated 26.10.1987, passed by the Deputy Collector (Land Reforms), Latur in Enquiry Case No. 83/DESK/INAM/3.

2. Dispute pertains to agricultural lands bearing Survey Nos. 33, 34 and 36 situated at Ahmedpur, District- Latur (for short 'said lands'). These lands are admittedly inam lands and were granted in favour of Bahoddin, Shamshadoddin, Jalaloddin and Biradar Shikimdars under a muntakhab of the year 1299 Fasli by the then Nizam of Hyderabad. The petitioner No. 1 claims to be in possession of Survey Hissa No. 33/A. Petitioner No. 2 claims to be in possession of Survey Hissa No. 34/1, 34/4, 34/5 and 36/c and Petitioner No. 3 claims to be in possession of 34/3 and 36/B.

3. Respondent No. 7 filed proceeding seeking inquiry under section 2-A(3) of Hyderabad Abolition of Inams and Cash Grants Act, 1954 (for short 'said Act') and sought declaration of occupancy rights of the said lands under Section 6(1-A) of the said Act. By the impugned order passed by respondent No. 2, the proceeding is allowed and declaration of occupancy rights of the said lands is issued in favour of legal heirs of respondents No. 3. The petitioners are aggrieved by this order.

4. It is the case of the petitioners that being original inamdars, they are in possession of said lands since their ancestors. However, in spite of knowing this fact, the petitioners

were not made party in the proceedings filed by respondent No. 7 and the impugned order is passed without hearing the petitioners. The petitioners therefore seek quashing of the impugned order and remand of matter back to respondent No. 2.

5. I have duly considered the rival submissions of the respective learned advocates for the parties. Perused the record. It appears from the record that the petitioners since are in possession of said lands being inamdars have substantial interest in the said lands, but they were not made party in the proceeding filed by respondent No. 7, in which impugned order is passed. The impugned order adverse to the interest of the petitioners is passed in violation of principles of natural justice. In that view of the matter, the impugned order is unsustainable and same is liable to be quashed and set aside. Hence, the following order:-

ORDER

- i) The writ petition is allowed.
- ii) The impugned order dated 15.10.1981 passed by the Officer on Special Duty in Revision Case No. HIA/4373/123095-L-4(175) and the order dated 26.10.1987, passed by the Deputy Collector (Land

Reforms), Latur in Enquiry Case No. 83/DESK/INAM/
3. is hereby quashed and set aside.

- iii) The matter is remanded back to the Deputy Collector (Land Reforms), Latur, for holding inquiry and passing appropriate order, in accordance with law, after giving opportunity of hearing to the concerned parties.

6. All contentions of the respective parties are kept open.

7. Taking into consideration the fact that the order impugned in the present petition is passed in the year 1987, the Deputy Collector (Land Reforms), Latur, shall conclude the hearing and pass judgment within a period of eight weeks from the date of first appearance of the parties.

8. Rule made absolute in above terms with no order as to costs.

9. In view of disposal of writ petition, civil applications are disposed of with liberty to the applicants to approach concerned authority.

[NITIN B. SURYAWANSHI, J.]