

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.7199 OF 2022

PROPOSED REJESHRI SHAHU MAHARAJ
MAGASVARGIYA SAHAKARIGRUHA NIRMAN SANSTHA
MARYADIT
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE
SECRETARY AND OTHERS

...
Advocate for the Petitioner : Shri Chavan Sudhir K.
AGP for the Respondents/ State : Shri S.G. Karlekar
...

CORAM : RAVINDRA V. GHUGE
&
ANIL L. PANSARE, JJ.

DATE :- 14th July, 2022

Per Court :-

1. Leave to correct the description of respondent No.1.
Correction be carried out forthwith.
2. The petitioner has put for prayer clauses B and C as
under :-

“B) To issue a writ of certiorari or any other appropriate writ or order or directions in the like nature, thereby the impugned communication dated 16.03.2022 issued by the respondent No.4 i.e. Residential Deputy Collector, Parbhani addressed to the Sub Divisional Officer, Gangakhed (Exhibit H) may kindly be quashed and set aside.

C) To issue a writ of mandamus or any other

appropriate writ or order or directions in the like nature, thereby the respondent No.2 and 3 may kindly be directed to submit the report as asked by the respondent No.1 vide communication dated 03.02.2020 on the basis of enquiry report dated 18.08.2021 submitted by the Sub Divisional Officer, Gangakhed addressed to the Respondent No.4 i.e. Residential Deputy Collector, Parbhani, forthwith and in furtherance the respondent No.1 may kindly be directed to take decision on the application/ proposal of the petitioner, in accordance with law, as observed by this Hon'ble High Court at Para No.7 of judgment and order dated 21.12.2017 passed in Writ Petition No.15052 of 2017, as expeditiously as possible and as such comply the order of this Hon'ble High Court."

3. Our attention is drawn to the order dated 21.12.2017 passed by this Court in Writ Petition No.15052/2017 filed by the petitioner. Relevant paragraphs 6 and 7 read as under :-

- "6. This Court in the afore-referred judgment has interpreted the judgment of the Apex Court in a case of Jagpalsingh and others vs. State of Punjab. It has put a gloss over the said judgment and as stated in the said judgment that the judgment of Apex Court cannot be read to mean that the State Government has been prohibited from granting land in accordance with provisions of the Maharashtra Land Revenue (Disposal of Government Lands) Rules, 1971 to eligible applicants.*
- 7. In the light of the above, the impugned order (Exhibit D Page 26) is quashed and set aside. The Respondent/ Authority shall consider the application of the petitioner in accordance with*

provisions of the Maharashtra Land Revenue (Disposal of Government Lands) Rules, 1971 and take decision upon the same on its own merits, in accordance with law, expeditiously and preferably within six (6) months.”

4. The learned advocate for the petitioner submits that time and again the State has been seeking similar information repeatedly. He points out that the Tahasildar had initially tendered the said information to the Residential Deputy Collector (RDC), Parbhani on 04.06.2020. Then, once again he submitted similar information on 18.09.2020. This is followed by yet other communications dated 16.12.2020, 01.02.2021, 04.06.2021 and 18.08.2021. Despite the information being supplied, respondent No.1 is not complying with the order of this Court. The RDC never forwarded these details to respondent No.1 and hence, the grievance of the petitioner is still not redressed.

5. In view of the above, this Writ Petition is disposed off with the direction to respondent No.1 that it shall follow the due process laid down in law and comply with the directions of this Court set out in paragraphs 6 and 7 reproduced above.

6. We make it clear that we have not expressed any view about the claim of the petitioner and respondent No.1 can

deal with the said claim in accordance with law as well as the reported judgment of the Honourable Supreme Court in *Jagpalsingh and others vs. State of Punjab, 2011 AIR SC 1123*, on or before 15.10.2022.

kps

(ANIL L. PANSARE, J.)

(RAVINDRA V. GHUGE, J.)