

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

**REVIEW APPLICATION (CIVIL) NO.162 OF 2022
IN WRIT PETITION NO. 928 OF 2022
WITH CIVIL APPLICATION NO.9880 OF 2022
IN REVIEW APPLICATION (CIVIL) NO.162 OF 2022**

1. Ravsaheb Baburao Kadam,
Since Deceased Through L.Rs.
- 1-A. Laxmibai Raosaheb Kadam,
Age:- 55 years, Occ. Household,
R/o Tapowan, Tq. Aundha,
Dist. Hingoli
- 1-B. Smt. Ranjana Ravsaheb Kadam,
@ Ranjana Dilip Londhe,
Age: 36 years, Occ. Household
R/o Metha, Tq. Aundha,
Dist. Hingoli
- 1-C. Vishranti Ravsaheb Kadam,
@ Vishranti Dnyanoba Dhage,
Age:- 32 years, Occ. Household,
R/o Shendra, Tq. & Dist. Parbhani
- 1-D. Smt. Jayashri Ravsaheb Kadam,
Age:- 30 years, Occ. Household,
R/o Kurunda, Tq. Wasmal,
Dist. Hingoli
- 1-E. Dnyanoba Ravsaheb Kadam,
Age:- 28 years, Occ. Agri.,
R/o Tapowan, Tq. Aundha,
Dist. Hingoli
2. Dadarao Bapurao Kadam,
Died through L.Rs.
- 2-A. Kasturabai Dadarao Kadam,
Age:- 60 years, Occ. Household,
R/o Tapowan, Tq. Aundha,
Dist. Hingoli
- 2-B. Shivaji Dadarao Kadam,
Age:- 37 yers, Occ. Agri,
R/o Tapowan, Tq. Aundha,
Dist. Hingoli

... Applicants

Versus

1. Maruti Jairam Kadam,
Age:- 76 years, Occ. Agri.,
R/o Tapowan, Tq. Aundha,
Dist. Hingoli
2. The Deputy Collector,
(Land Reform), Parbhani
3. The Additional Commissioner,
Aurangabad Division, Aurangabad
4. The State Minister (Revenue),
Maharashtra State, Mantralaya,
Mumbai – 32

... Respondents

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Advocate for Applicants : Mr. Rajendra Deshmukh, Sr. Advocate i/b
Mr. R. J. Nirmal

AGP for Respondents – State : Mr. Y. G. Gujrathi

Advocate for Respondent No.1 : Mr. P. R. Katneshwarkar

Advocate for Applicant in CA/9880/2022 (Intervener) : Vilas M.
Humbe

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CORAM : NITIN B. SURYAWANSHI, J.

RESERVED ON : 21st JULY, 2022

PRONOUNCED ON : 13th OCTOBER, 2022

ORDER :

1. By this review application, the applicants seek review of judgment passed by this Court in Writ Petition No.928/2022, on 25/04/2022.

2. Learned senior advocate for applicants submitted that while passing the orders impugned in writ petition, interested parties were not heard. Though in 7/12 extract names of Inamdars are there, no notice was given to the Inamdars. 7/12 extract is,

therefore, not considered. By relying on Khasara Pahani Patrak, he submitted that respondent No.1 was never in possession of suit lands. By relying on the amendment in Hyderabad Abolition of Inams and Cash Grants Act, 2015, in Section 6(3)(b), he submits that in view of the said amendment, regularisation can be effected.

3. Learned advocate for respondent No.1, on the other hand, supported the judgment under review. He submits that this Court has considered all the arguments advanced by learned senior advocate for applicants at the time of deciding writ petition. There is no error apparent on the face of record which requires review of the judgment.

4. Learned advocate for applicant in civil application i.e. intervener who is Inamdar, submitted that the intervener was necessary party in the proceedings and he was not heard by the revenue authorities. Therefore, he submits that judgment of this Court passed in writ petition needs to be reviewed.

5. This Court, after hearing the parties and after going through record, has held that orders impugned in writ petition are passed after considering old registers and record and the fact that respondent No.1 was declared as re-grantee under Section 6(1)(3) of the Hyderabad Abolition of Inam Cash Grants Act, 1954 (for

short the 'said Act') and on depositing occupancy price, he was declared as owner of the land in question under Section 6(4) of the said Act. Occupancy certificate was issued in his favour on 12/06/1961. In inquiry it is found that land in question was in possession of first respondent. Therefore, the original Inamdar or his heirs had no right to deal with the land in question. Inamdar had no authority to sale the land in question to Sopan on 09/08/1985 and since the petitioners/applicants have purchased the land from Sopan, the said transaction cannot be said to be legal.

6. The intervener was not party in writ petition. He was also not party in the proceedings filed before revenue authorities. Argument advanced by learned senior advocate that petitioners/applicants and Inamdar were not heard, was considered at the time of hearing of writ petition.

7. It is settled legal position that review proceedings are not by way of appeal and the present review appears to be an appeal in disguise. Arguments advanced in support of review application were advanced while arguing writ petition and were overruled. Appreciation of evidence on record is within domain of appellate Court and arguments in that behalf cannot be permitted to be advanced in review petitions.

8. Relief sought in review application was not granted to applicants while arguing writ petition. No ground for review is made out by the applicants. Review application being devoid of merits, is dismissed.

10. Accordingly, civil application also stands disposed of.

(NITIN B. SURYAWANSHI, J.)

11. At this stage, learned advocate for applicants seeks six weeks stay to this order.

12. For the reasons stated in the judgment under review, the prayer of learned advocate for applicants is rejected.

(NITIN B. SURYAWANSHI, J.)