

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

35 WRIT PETITION NO. 7927 OF 2022

DEVIDAS S/O RAMCHANDRA NIKAM AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

.....

Advocate for Petitioners : Mr. Shaikh Ashraf Patel h/f Mr. A. P.
Avhad

AGP for Respondents : Mr. A. R. Kale

.....

CORAM : RAVINDRA V. GHUGE AND
ARUN R. PEDNEKER, JJ.

DATED : 05 SEPTEMBER 2022

PER COURT :-

1. The petitioners' grievance is that though the land was sold on 30.01.2010 to the purchaser, who has not been arrayed as a respondent in this petition, the amounts paid by the purchaser to the petitioners vide cheques, have been dishonoured and the amounts have not been credited to the account of the petitioners. They, therefore, approached the District Collector by preferring an application on 24.06.2011 for seeking cancellation of the permission to sell the land and for converting it into a non-

agricultural land. The said application is still pending with the District Collector and a direction is sought from this Court that the District Collector should decide the said application expeditiously.

2. We have considered the submissions of the learned Advocate for the petitioners and the learned AGP. The dispute raised appears to have the trappings of civil litigation. The issue of limitation in approaching the Civil Court would also crop up. Though the application dated 24.06.2011 is pending with the District Collector, the petitioner is now seeking an order that the same may be decided. The learned AGP submits that this prayer is put forth so as to overcome the issue of limitation.

3. Considering the above, this petition is disposed off.

4. We expect respondent no.2 to deal with the application dated 24.06.2011 by following due procedure laid down in the law, provided he has a jurisdiction to deal with the same. All stake holders be granted an opportunity of hearing.

5. We make it clear that the decision on the said application, which the Collector may arrive at subject to having authority under any specific provision of law, within three months from today, would not amount to condoning the delay caused in the event the petitioners desire to approach the Civil Court for cancellation of the sale deed or for seeking possession of the property. Needless to state, if the petitioner is within limitation for seeking any of such reliefs in view of the Limitation Act, the said remedy would be left open.

[ARUN R. PEDNEKER, J.]

[RAVINDRA V. GHUGE, J.]

vrc