

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

379 WRIT PETITION NO.11172 OF 2022

BALIRAM BABURAO GAIKWAD AND ANOTHER
VERSUS
STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS

.....
Advocate for Petitioners : Mr. C.V. Thombre
AGP for Respondents: Mrs. R.P Gour
.....

**CORAM : RAVINDRA V. GHUGE AND
SANJAY A. DESHMUKH, JJ.
DATED : 16th NOVEMBER, 2022.**

PER COURT :-

1. The only relief that the petitioners claim is that the proposal dated 02.11.2020, addressed to respondent No.2, by petitioner No.1 Baliram Baburao Gaikwad (prospective purchaser) and the original landlord Narhari Baluba Kadam, seeking transfer of Gat No. 44 to the extent of 4 Acres at village Gappewadi, Post. Shindi, Tq. Kaij, district Beed, a Class-II (Varga-2) land, under Section 36(A) of the Maharashtra Land Revenue Code, 1966, be decided.
2. The learned A.G.P. representing the respondents points out that the application is filed by the original landlord who is not party to the present proceeding and petitioner No.1 claims to be the prospective purchaser. The land, according to the representation dated 2.11.2020 filed by these two persons, appears to be project affected and has been acquired for the tank at Ghatewadi.

3. In these peculiar facts and circumstances of this case, we make it clear that we have not considered the merits of the application filed by petitioner No.1 and the original landlord. We have not gone into the details of the said application and have not expressed any opinion. Respondent No.2 may consider the said application only if he is vested with the jurisdiction by law to consider the said issue. In the event he can exercise his jurisdiction, he may take a decision on the said application within a period of three months from today. If he finds that he has no jurisdiction, he would ask petitioner No.1 and the landlord to avail of the remedy, as is permissible in law.

4. This writ petition is disposed off.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE , J.)

rlj/