

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

WRIT PETITION NO.397 OF 2017

**SUDARSHANDAS DINDAYAL UDASI THROUGH HIS LEGAL
REPRESENTATIVES MANGALADEVI SUDARSHANDAS UDASI AND
OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...
Advocate for Petitioners : Mr. Shriram Deshmukh h/f
Mr. Devang Deshmukh
AGP for Respondents – State : Mr. Y. G. Gujarathi
...

WITH

WRIT PETITION NO. 1892 OF 2020

**SWARNA DEEPAK UDASIN AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...
Advocate for Petitioners : Mr. P. R. Katneshwarkar h/f
Mr. G. A. Gadhe
AGP for Respondents – State : Mr. Y. G. Gujarathi
...

CORAM : NITIN B. SURYAWANSHI, J.

DATE : 13th JULY, 2022

PER COURT :

1. Both these petitions challenge the order dated 26/05/2016 passed by respondent No.1 in Appeal No. 2013/Pra.Kra.140/J-7A/Pra.Kra.866/8/2014/Avap, thereby rejecting the appeal filed by the petitioners and holding that CT Survey No.2930 is *Gauthan* property and the Government is owner of the same. It is stated in the impugned order that the same is passed

after considering the documents placed on record and though there is *Muktav Patra* of Nijam Government, it is not sufficient to prove ownership of the petitioners on the disputed property.

2. Though in the impugned order it is stated that documents are taken into consideration, there is absolutely no discussion as to which documents were taken into consideration. It is a specific case of the petitioners that they have produced old documents before respondent No.1, however, they were not considered.

3. The Deputy Superintendent of Land Records, Nanded and its officers were directed by this Court vide order dated 02/12/2021 to search the old documents of this case. The learned Assistant Government Pleader submits that the record is more than 100 years old and the officers are still searching it.

4. It is thus, clear that documents placed on record by the petitioners and the relevant old documents are not considered by respondent No.1 while passing the impugned order. The impugned order, therefore, cannot be sustained.

5. In the result, the impugned order dated 26/05/2016 passed by respondent No.1 in Appeal No. 2013/Pra.Kra.140/J-7A/Pra.Kra.866/8/2014/Avap, is hereby quashed and set aside and the

matter is remanded back to respondent No.1, who shall decide the same on merit in accordance with law, after giving opportunity of hearing to the petitioners and after considering documents produced on record by the petitioners.

6. It is made clear that this Court has not expressed any opinion on the merit of the matter. Respondent No.1 shall decide the appeal filed by the petitioners within a period of four months from the date of receipt of writ of this order.

7. With these directions, both the writ petitions are disposed of.

(NITIN B. SURYAWANSHI, J.)