

JPP

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

WRIT PETITION NO. 8871 OF 2021

Raviraj Keshevrao Ghogare

... Petitioner

V/s.

The State of Maharashtra

Through Secretary, Revenue and Forest

Department and Ors.

... Respondents

Mr. Ajay A. Joshi for the Petitioner

Mr. Ajit J. Kenjale for Respondent Nos. 7 to 9

Ms. M.P. Thakur, AGP for the Respondent - State

***CORAM : S.V. GANGAPURWALA &
M.G. SEWLIKAR, JJ.***

DATE : 29 APRIL 2022

P.C. :-

The Petitioner is assailing the order dated 18.08.2021 whereby the application of the Petitioner for recording the crop cultivation is not considered.

2. We have heard the learned Counsel for the Petitioner and the learned Counsel for the Respondent Nos. 7 to 9, so also the learned AGP for the State.

3. The recording of crop cultivation has to be on the basis of inspection, panchnama by the Revenue Authorities and the

statements recorded. The Revenue Authority has to come to the conclusion about the area possessed by the particular party and then take decision upon it. The dispute by virtue of a civil suit is pending between the parties. Some prohibitory orders are in force as on the date. Naturally, all orders have to be considered by the Revenue Authorities also.

4. Under the statute the Revenue Authorities are bound to record the crop cultivation in case the said land is under cultivation. If the land is barren then the Revenue Authorities have to state the same in the relevant revenue record / 7x12 extract. The same has to be done only after inspection, recording of statements and arriving at a satisfaction. The orders of the Competent Forum shall also be considered.

5. In light of the above, the Revenue Authorities empowered to record the crop cultivation shall, after recording the statements, considering the position of the crop and after proper inspection shall take decision with regard to the crop cultivation. Of course the orders passed by the Civil Court and the other Competent Forum have also to be considered by it.

6. With these observations, the Writ Petition is disposed of.
No costs.

(M.G. SEWLIKAR, J.)

(S.V. GANGAPURWALA, J.)