

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

Writ Petition No. 3903 of 2021

[Priyadarshini Sarvajani Vatchnalaya Malkapur, Dist. Akola through its President Tejrao s/o Ishram Narwade ..vs.. The Collector, Akola and anr.]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. A. J. Thakkar, Advocate h/f Mr. D. S. Patil, Advocate for the petitioner
Ms. T. H. Khan, A.G.P for the respondents

CORAM : ROHIT B. DEO, J.

DATED : 21-2-2022

The petitioner applied to the Collector, Akola seeking allotment of land admeasuring 5000 sq.ft. from the open space of the lay out sanctioned on Survey 2, Mauza Malkapur. The Collector rejected the request. The petitioner preferred revision under Section 257 of the Maharashtra Land Revenue Code, 1966 which is rejected by the Additional Commissioner, Amravati Division, Amravati.

2. The Government Resolution on the basis of which the petitioner sought allotment of the open space provides that 10% of the open space may be reserved and allotted for public purpose. While the purpose for which the petitioner sought land appears to be a public purpose, according to the report of Tahsildar, since in the concerned portion, there is already a Hanuman Temple,

there is no open space available for allotment. The Tahsildar has reported that Hanuman Temple occupies 324.00 sq.m. area out of the total area of 2418.00 sq.m. and, therefore, the question of making any allotment to the petitioner does not arise.

3. The petitioner is emphasizing that Hanuman Temple is constructed in an unauthorized manner. However, in the absence of any legal right to insist on the allotment of any particular portion of open space, I am not inclined to look into the said submission. The report of the Tahsildar and other authorities is residents have contributed and constructed the Hanuman Temple. In the absence of any legal right vested in the petitioner to claim the allotment, qua a particular portion of the open space, in supervisory jurisdiction, I cannot hold that there is any error committed by the authorities below in rejecting the request for allotment.

4. The petition is dismissed.

JUDGE