

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

WRIT PETITION NO. 9134 OF 2023

Ravindra Bharku Malche

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Mr. Dipesh D. Pande, Advocate for the Petitioner.

Mr. K. B. Jadhavar, AGP for Respondent Nos. 1 to 3.

Mr. D. S. Bagul, Advocate for Respondent No. 4.

AND

WRIT PETITION NO. 9135 OF 2023

Pravin Ganpat Makade

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Mr. Dipesh D. Pande, Advocate for the Petitioner.

Smt. D. S. Jape, AGP for Respondent Nos. 1 to 3.

Mr. D. S. Bagul, Advocate for Respondent No. 4.

CORAM : KISHORE C. SANT, J.

DATED : 01st AUGUST, 2023.

P. C. :-

. Heard the parties for some time.

2. The petitioners have challenged the order passed by the learned Tahsildar granting any permission in favour of respondent No. 4 dated 04.02.2022 and dated 01.06.2022 respectively. The petitioners have

challenged this order stating that they are resident of the same village. It is alleged that, the present respondent No. 4 purchased the said suit land without complying with the provisions of Section 36 (A) of the Maharashtra Land Revenue Code (for short “MLRC”) in the year 2011. Thereafter, the proposal was submitted to the learned Tahsildar for converting the said land into non agricultural land. The learned Tahsildar after holding enquiry and after satisfaction granted permission to convert the land. Only grievance of the petitioners is that the land was purchased without complying with the provisions of Section 36 (A) of the MLRC. The petitioners therefore assail the order.

3. Learned advocate Mr. Bagul for respondent No. 4 vehemently opposes the petitions. He submits that, the petitioners does not have any locus standi to file these petitions. They are no way concerned with the land of respondent No. 4. Merely because they belongs to the same village, they have challenged the order of learned Tahsildar granting any permission. For the purpose of showing as to how Section 36 of the MLRC is not applicable, he relies upon the judgment passed by this Court at Nagpur Bench in Writ Petition Nos. 3806/2017 and 6863/2017 in the cases of Ambadas Bapumya Kumre Vs. Maliram Sondaram Sharma and others and Maliram Sondaram Sharma Vs. Ambadas Bapumya Kumre. This Court at Nagpur Bench has dealt with

Section 36 of the MLRC in detail and held that Sections 36 and 36(A) of the MLRC has no operation when the lands are not agricultural lands. It is thus held that there was no violation of Sections 36 and 36 (A) of the MLRC.

4. Learned A.G.P. submits that, the petitions needs to be dismissed with costs as the petitioners have no locus standi and still they have approached this Court. He states that, if at all the petitioners are aggrieved, they can approach the higher authorities.

5. Considering the above position, this Court finds that, the petitioners have failed to show locus standi. They have also failed to show as to why the orders are not correct.

6. This Court finds that, no case is made out to entertain the petitions. Both the petitions are therefore dismissed and disposed off.

(KISHORE C. SANT, J.)

PS.B.