

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

**32 WRIT PETITION NO.9565 OF 2023**

SHAIKH HABIB SHAIKH HAZIR AND OTHERS  
VERSUS  
THE STATE OF MAHARASHTRA  
THROUGH ITS REVENUE MINISTER AND OTHERS

...  
Advocate for Petitioners : Mr. Shaikh Moinuddin Nasiruddin  
AGP for Respondents/State : Mr. P.K. Lakhotiya  
...

**CORAM : RAVINDRA V. GHUGE &  
Y.G. KHOBRADE, JJ.**  
**DATE : 7<sup>th</sup> August, 2023**

**PC. :-**

1. Leave to amend. Amendment be carried out forthwith.
2. The Petitioners have put-forth prayer clause-B and C as under:

*“(B) By issuing writ of mandamus or any other writ or direction in the like nature, the respondent nos. 1 to 5 be directed to enter the name of Muslim graveyard / Kabrastan in respect of land in gut no. 51 to the extent of 1 Hector 98 R, situated at Mauje Lateefpur, Tq. Bhokardan, Dist. Jalna.*

*“(C) Pending hearing and final disposal of this Writ Petition, the respondent no. 5 be called upon to explain as to why the respondent no. 5 has not mutated the name of Muslim graveyard, though the land is acquired way back for Muslim graveyard. The respondent no. 5 further be directed to delete the names of respondent nos. 6, 7 and 8 from the 7/12 extract for gut no. 51 to the extent of 1 Hector 98 R in gut no. 51 situated at Mauje Lateefpur, Tq. Bhokardan, Dist. Jalna.”*

3. The Petitioners point out a judgment of this Court dated 27.06.2001 delivered in Writ Petition No.1161/1988, more particularly paragraph 7 which reads as under:

*“7. Vide our order dated 20th June, 2001 we had directed the collector, Jalna to take steps to demarcate the subject land which was in possession of Respondent No. 5 and the balance land. It is evident from the record that the old Gat No. 26 admeasured 30 Acres and 23 Gunthas and out of that land admeasuring 4 Acres 36 Gunthas went to the father of Respondent No. 5 by the operation of section 38 (6) of the Hyderabad Tenancy and Agricultural, Lands Act, 1950 and the balance land remained in the ownership of the Petitioner. Before publication of declaration under section 6, the Tahsildar had undertaken inspection of the subject land and had demarcated the land boundaries, when the return was submitted before this Court, on behalf of the respondent state authorities. the boundaries of the entire Gat No.26 were mentioned and the petitioner was emboldened by this laps on the part of the Sub Divisional Officer, Jalna.”*

4. It is apparent that the Revenue Authorities are not exercising their jurisdiction.

5. **This petition is disposed off** with a direction to Respondent No.2 to look into this matter and issue appropriate directions to the Revenue Authorities to exercise jurisdiction duly vested in them by law and by following the established procedure, within a period of 120 days.

[Y.G. KHOBRADE, J.]

[RAVINDRA V. GHUGE, J.]