

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

Writ Petition (WP) No. 2513 of 2020

Omprakash S/o Aatmaram Masram and others

Versus

State of Maharashtra, through its Secretary, Revenue Department,
Mumbai and others

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri Shashibhushan Wahane, Advocate for the petitioners.

Ms. H.N.Jaipurkar, AGP for the respondent nos. 1 to 5.

CORAM : ANIL S. KILOR, J.

DATED : 2nd AUGUST, 2023.

The prayer of the petitioner for issuance of succession certificate in respect of seven villages namely (1) Sadak Arjuni, (2) Pandarwani (3) Mogra (4) Rajguda (5) Kesalwada (6) Parsodi (Wadegaon) and (7) Deopayali being successor of Lakharam S/o Kalbji Kumbhare, came to be rejected by the Tehsildar vide order dated 2nd June, 2014 and it was upheld by the Sub-Divisional Officer, the Additional Collector and the Additional Commissioner, Nagpur.

2. The Tehsildar, while rejecting the prayer for petitioner for issuance of heir certificate and entering

the name of the petitioner in 7/12 extract of the above referred seven villages, has held that in view of provisions of Mahdya Pradesh Abolition of Proprietary Rights, (Estate, Mahal, Alienated Lands) Act, 1950, Malgujari and as the properties are forfeited by the Government the prayer of the petitioner, cannot be accepted.

3. Considering the reason recorded by the Tehsildar, in absence of any material pointing out that the said findings are contrary to law, I do not find any reason to interfere in the impugned orders passed by the authorities below. Accordingly, the writ petition is dismissed.

4. As far as the submissions made by the learned counsel for the petitioner that it is not made clear by the authorities whether the land was acquired and any compensation was paid, the said points are kept open and liberty is granted to the petitioner to file appropriate remedy as available under the law, if they so desire.

[ANIL S. KILOR, J.]

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