



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

15-WRIT PETITION NO.2971 OF 2024

1. Vishal Murlidhar Wani,
Age : 41 Years, Occu. : Agriculturist,
R/o Near Bazar Gali No.3,
Chopada Taluka, Chopada,
District Jalgaon.
 2. Aruna Ravindra Patil,
Age : 39 Years, Occu. : Agriculturist,
R/o Bazar Gali No.3,
Chopada Taluka, Chopada,
District Jalgaon.
- ... Petitioners.

Versus

1. The State of Maharashtra,
Through the Minister (Land Revenue),
Maharashtra State, Mantralaya,
Mumbai.
2. The State of Maharashtra,
Through its Principal Secretary,
(Land Revenue and Forest Department),
Mantralaya, Mumbai.
3. The Divisional Commissioner,
Nashik Division, Nashik.
4. The Additional Commissioner,
Nashik Division, Nashik.
5. The Collector, Dhule.
6. The Tahasildar, Sindkheda,
Tq. Sindkheda, District Dhule.
7. The Circle Officer,
Chimthane, Tq. Sindkheda,
District Dhule.

8. The Talathi,
Dangurne, Tq. Sindkheda,
District Dhule. ... Respondents.

AND

17-WRIT PETITION NO.2973 OF 2024

Dinesh Murlidhar Mali,
Age : 30 Years, Occu. : Agriculturist,
R/o S. T. Depot Near
Shirpur Taluka, Shirpur,
District Dhule. ... Petitioner.

Versus

1. The State of Maharashtra,
Through the Minister (Land Revenue),
Maharashtra State, Mantralaya,
Mumbai.
2. The State of Maharashtra,
Through its Principal Secretary,
(Land Revenue and Forest Department),
Mantralaya, Mumbai.
3. The Divisional Commissioner,
Nashik Division, Nashik.
4. The Additional Commissioner,
Nashik Division, Nashik.
5. The Collector, Dhule.
6. The Tahasildar, Sindkheda,
Tq. Sindkheda, District Dhule.
7. The Circle Officer,
Chimthane, Tq. Sindkheda,
District Dhule.
8. The Talathi,
Dangurne, Tq. Sindkheda,
District Dhule. ... Respondents.

AND

18-WRIT PETITION NO.2980 OF 2024

1. Yashwant Rajaram Patil,
Age : 59 Years, Occu. : Agriculturist,
R/o Ainpur, Taluka Raver,
District Jalgaon.
2. Vijay Digambar Patil,
Age : 48 Years, Occu. : Agriculturist,
R/o Ainpur, Taluka Raver,
District Jalgaon. ... **Petitioners.**

Versus

1. The State of Maharashtra,
Through the Minister (Land Revenue),
Maharashtra State, Mantralaya,
Mumbai.
2. The State of Maharashtra,
Through its Principal Secretary,
(Land Revenue and Forest Department),
Mantralaya, Mumbai.
3. The Divisional Commissioner,
Nashik Division, Nashik.
4. The Additional Commissioner,
Nashik Division, Nashik.
5. The Collector, Dhule.
6. The Tahasildar, Sindkheda,
Tq. Sindkheda, District Dhule.
7. The Circle Officer,
Chimthane, Tq. Sindkheda,
District Dhule.
8. The Talathi,
Dangurne, Tq. Sindkheda,
District Dhule. ... **Respondents.**

AND

20-WRIT PETITION NO.2983 OF 2024

Ratnakar Rajaram Chaudhari,
Age : 59 Years, Occu. : Agriculturist,
R/o Row House No.35, Ainpur, Taluka Raver,
District Jalgaon. ... **Petitioner.**

Versus

1. The State of Maharashtra,
Through the Minister (Land Revenue),
Maharashtra State, Mantralaya,
Mumbai.
2. The State of Maharashtra,
Through its Principal Secretary,
(Land Revenue and Forest Department),
Mantralaya, Mumbai.
3. The Divisional Commissioner,
Nashik Division, Nashik.
4. The Additional Commissioner,
Nashik Division, Nashik.
5. The Collector, Dhule.
6. The Tahasildar, Sindkheda,
Tq. Sindkheda, District Dhule.
7. The Circle Officer,
Chimthane, Tq. Sindkheda,
District Dhule.
8. The Talathi,
Dangurne, Tq. Sindkheda,
District Dhule. ... **Respondents.**

AND

WRIT PETITION NO.11958 OF 2023

1. Gojarbai Bhagwan Kadhare,

Age : 70 Years, Occu. : Agriculturist,

2. Santosh Zipa Nikalje,
Age : 58 Years, Occu. : Agriculturist,

3. Usha Zipa Nikalje,
Age : 51 Years, Occu. : Agriculturist,

All R/o Dangurne, Tq. Sindkheda,
District Dhule.

... **Petitioners.**

Versus

1. The State of Maharashtra,
Through the Minister (Land Revenue),
Maharashtra State, Mantralaya,
Mumbai.

2. The State of Maharashtra,
Through its Principal Secretary,
(Land Revenue and Forest Department),
Mantralaya, Mumbai.

3. The Divisional Commissioner,
Nashik Division, Nashik.

4. The Additional Commissioner,
Nashik Division, Nashik.

5. The Collector, Dhule.

6. The Tahasildar, Sindkheda,
Tq. Sindkheda, District Dhule.

7. The Circle Officer,
Chimthane, Tq. Sindkheda,
District Dhule.

8. The Talathi,
Dangurne, Tq. Sindkheda,
District Dhule.

... **Respondents.**

AND

WRIT PETITION NO.11957 OF 2023

1. Jeevan Kashiram More,
Age : 58 Years, Occu. : Agriculturist,
2. Sanjay Sahebrao More,
Age : 52 Years, Occu. : Agriculturist,
3. Vana Namdeo More,
Age : 51 Years, Occu. : Agriculturist,
4. Suresh Yuvraj More,
Age : 48 Years, Occu. : Agriculturist,
5. Shantilal Kashiram More,
Age : 52 Years, Occu. : Agriculturist,
6. Prakash Raghunath More,
Age : 47 Years, Occu. : Agriculturist,
7. Surekha D/o Raghunath More,
Age : 42 Years, Occu. : Agriculturist,

All R/o Dangurne, Tq. Sindkheda,
District Dhule.

... **Petitioners.**

Versus

1. The State of Maharashtra,
Through the Minister (Land Revenue),
Maharashtra State, Mantralaya,
Mumbai.
2. The State of Maharashtra,
Through its Principal Secretary,
(Land Revenue and Forest Department),
Mantralaya, Mumbai.
3. The Divisional Commissioner,
Nashik Division, Nashik.
4. The Additional Commissioner,
Nashik Division, Nashik.
5. The Collector, Dhule.

6. The Tahasildar, Sindkheda,
Tq. Sindkheda, District Dhule.
7. The Circle Officer,
Chimthane, Tq. Sindkheda,
District Dhule.
8. The Talathi,
Dangurne, Tq. Sindkheda,
District Dhule.

... Respondents.

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Advocates for Petitioners : Mr. Bagul D. S., Mr. Mahajan L. S.
AGPs for Respondents-State : Mr. P. D. Patil, Mr. S. N. Kendre,
Mrs. M. L. Sangit, Mr. P. D. Patil, Mrs. A. S. Mantri, respectively.

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CORAM : S. G. MEHARE, J.
DATE : 18.03.2024

ORAL JUDGMENT :-

1. Not on board. Taken on board Writ Petition Nos.11958 of 2023 and 11957 of 2023.
2. Rule. Rule made returnable forthwith and heard finally by consent of the parties.
3. Learned counsel for the petitioners would submit that the petitioners are the purchaser from the predecessor in title. The predecessor in title had encroached upon the land in question. By his order dated 17.12.2020, the then Hon'ble Minister allowed the revision petitions and directed the Tahsildar, Sindkheda to regularize their encroachment.

According to the said orders, the Tahsildar, Sindkheda, by following the procedure has regularized the encroachment and obtained the Najrana. In such a way, the erstwhile encroacher became the owner of that land. Since the said land was Class-I land, the petitioners purchased it. However, the Revenue Authorities have preferred a review application before the Hon'ble Minister. By order dated 27.04.2023, the Hon'ble Minister quashed the orders of the earlier Minister of the same Department, dated 17.12.2020. The Hon'ble Minister did not call them and passed the ex-parte order.

4. Learned AGPs for respondents-State contend that if the orders impugned before this Court were without hearing, they may be quashed, set aside, and remitted to the Hon'ble Minister for hearing on merit. They have submitted that the land was forest land. Therefore, it could not be regularized. This mistake was revealed subsequent to the receipt of the Najrana. Therefore, the impugned orders are correct, but if the opportunity is not granted, the appropriate orders, as suggested above, may be passed.

5. Learned counsel for the petitioners has also raised the objection that the Hon'ble Minister has no power to review. Since the petitioners were not heard before the Hon'ble

Minister when the impugned orders were passed, it would not be appropriate to raise the objection to the powers of the Hon'ble Minister to review its own orders.

6. In view of the above facts, the following order is passed :

ORDER

- (i) All writ petitions are allowed.
- (ii) The impugned orders of the Hon'ble Minister (Revenue) passed in case Nos.RTS.3120/Pra.kra./146/J-6A and RTS.3120/Pra.kra./147/J-6A dated 27.04.2023 stand quashed and set aside.
- (iii) All these writ petitions are remitted to the Hon'ble Minister for fresh hearing by granting the petitioners an opportunity to hear on merits.
- (iv) In this case, the parties cannot be directed to appear before the Hon'ble Minister as the Code of Conduct has been declared. Therefore, the Office of the Hon'ble Minister (Revenue) shall notify all petitioners of hearing through the Tahsildar.
- (v) In the meantime, the Tahsildar, Sindkheda, is directed not to remove the present petitioners

from their possession till the review application before the Hon'ble Minister (Revenue) is decided on merits.

- (vi) All points are kept open.
- (vii) Rule made absolute in the above terms.
- (viii) No order as to costs.

(S. G. MEHARE, J.)

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vmk/-