



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

929 WRIT PETITION NO. 6146 OF 2022

BALASAHEB KARBHARI JADHAV

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL SECRETARY AND
OTHERS

Mrs.K.S. Bhale, Advocate for the Petitioner.

Mr.S.K. Tambe, AGP for Respondent Nos. 1 to 6.

Mr.S.G. Karlekar, Advocate for Respondent No.7.

Mr.V.D. Hon, Sr. Advocate i/b. Mr. A.V. Hon, Advocate for Respondent No.8.

CORAM : RAVINDRA V. GHUGE &
S.G. CHAPALGAONKAR, JJ.

DATED : 15.02.2024

PC :-

01. Reference is made to an earlier order dated 25.02.2015, passed by this Court in Writ Petition No. 6493 of 2010 (Balasaheb s/o. Karbhari Jadhav Vs.State of Maharashtra & Ors.), wherein this Court has recorded in paragraph Nos. 2 to 7 as under :-

“2. This Court from time to time had passed various orders asking for details. The learned Additional Government Pleader has filed on record the report submitted by the Assistant Charity Commissioner giving details about the trustees and other aspects as sought vide order dated 10.12.2014.

3. The State has filed affidavit in reply thereby putting forth its stand in para Nos. 12 and 13 and the affidavit in reply filed by the State through Sub Divisional Officer Shirdi reads as under :

"11. I say that the state is not party to the regular Civil Suit no. 699 of 1980. I further say that mere recording mutation

entry in revenue record does not transfer the ownership rights.

12. I say and submit that presently land is used for following purposes.

In Sur No. 1935/A area 7Hr (approx) present use of land, Mahatma Gandhi Pradarashan Charitable trusts Administrative building, exhibition area, cultural hall, meditation centre, staff quarter, commercial complex, khandoba temple, army boys hostel, college and diploma, veterinary training institute, forest department office, staff quarter, roads, open space etc..

In Sur No. 1935/A area 1.00 Hr (approx) present use of lands road Kopargaon city to railway station kopargaon.

In Sur. No. 1935/A area 1.30 Hr (approx) present use of lands is Nagar-Manmad highway.

In Sur. No. 1935/A area 11.27 Hr (approx) present use of lands Agril crops-Wheat, Coconut, Chikoo, Sugarcane, Guava etc."

4. Considering the affidavit in reply filed by the respondent/State that necessary steps would be taken under the Maharashtra Land Revenue Code and in pursuant to the existing policy of the State. The major grievance of the petitioners stands redressed.

5. No doubt, the steps which the State is contemplating to take would be in accordance with law and the statute.

6. There is no impediment for the respondents to proceed in terms of the affidavit in reply filed by them. However, naturally steps to be taken would be in consonance with the legal provisions and by adhering to the principles of natural justice. If such steps are taken by the respondent/State, the affected party will have opportunity to put forth its stand and contention. The writ petition accordingly is disposed of, however, with no order as to costs.

7. In view of the order passed above, earlier orders passed in this petition stand merged in the present order and would not survive. The amount deposited by the petitioner be refunded to the petitioner."

02. The learned Advocate appearing on behalf of Respondent No.7 places before us a copy of the notice by which RTS Revision No.1 of 2024 is

being heard by the said authority and the date of hearing was scheduled on 10.01.2024. A copy of said notice (undated) is taken on record and marked as "X-1" for identification.

03. Considering that this Court has passed an order as long as on 25.02.2015 in Writ Petition No.6493 of 2010 and since the proceedings have been initiated and RTS Revision is now pending before the Additional District Collector, Shirdi, we direct the said authority to follow the due procedure laid down in law by granting a reasonable opportunity of hearing to all the stakeholders and decide the matter within 180 days from today. The adjournment sought by the parties on unreasonable and trivial grounds, shall be rejected and, if required, costs may be imposed.

04. With the above directions, **this Writ Petition is disposed off.**

[S.G. CHAPALGAONKAR,J.]

[RAVINDRA V. GHUGE,J.]