



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 7946 OF 2024

Bharatkumar Manikrao Gavit
VERSUS
The Tahasildar Navapur And Others

- Mr. D. S. Bagul, Advocate for the Petitioner
- Mr. K. B. Jadhavar, AGP for the Respondent Nos. 1 to 3/State

CORAM : KISHORE C. SANT, J
DATE : SEPTEMBER 18, 2024

PER COURT :

1. Heard parties.

2. The Petitioner is a person who received the land in exchange of the land from a tribal person in the year 1991. Thereafter he even sought permission from the authorities and got the land converted into non agriculture land. There is also lay out plan sanctioned by the concerned local authority and now plots are demarcated. He applied to the Tehsildar for deletion of endorsement as tribal land under Section 36 and 36(a) of the Maharashtra Land Revenue Code, 1966 by stating all these facts. It is also pointed out that the

Petitioner has paid Nazrana amount long back. However, the application of the Petitioner came to be rejected.

3. Learned Advocate for the Petitioner submits that the act of restoration of the land to scheduled tribe and scheduled caste applies only when the land is agriculture land. His second point of argument is that he exchanged land with tribal person in the year 1991 and since thereafter tribal has no concern with the land. He relied upon the judgment passed by this Court in Writ Petition No. 3379/2024 and submits that this Court by considering all the aspects allowed the said Writ Petition holding that the land cannot be termed as land belonging to tribal community person.

4. Learned AGP opposed the Petition. He submits that there is alternative remedy of Appeal under the provisions of the Code and Petition need not be entertained. The land was originally held by the tribal and the same was transferred without obtaining prior permission of the State under Section 36 and 36(a) of the Code. He thus prays for rejection of the

Petition.

5. This Court finds that all these aspects have been considered in a judgment passed in Writ Petition No. 3379/2024 (Jayvant Laxman Bagad and Anr vs. The Sub Divisional Officer and Ors). Considering all above, this Court is inclined to allow the Petition. Hence, Writ Petition is allowed in terms of prayer clause 'B' and disposed of as such.

(KISHORE C. SANT, J.)