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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.3451 OF 2024

**DHANANJAY BHIMRAO BANGE AND ANOTHER
VS.
THE STATE OF MAHARASHTRA THROUGH PRINCIPAL
SECRETARY AND OTHER**

Ms.P.S.Talekar h/f Talekar and Associates.
Mr.P.K.Lakhotiya, AGP for Respondent Nos. 1 to 7.

**(CORAM : RAVINDRA V. GHUGE AND
R.M. JOSHI, JJ.)**

DATE : APRIL 4, 2024

PER COURT :

1. The Petitioners claim to be the owners and possessors of the agricultural land bearing Gat No.1, admeasuring 90.5 R and 60 R situated at Village Khanepuri, Tal. And Dist. Jalna. The land is said to be an ancestral property and the Petitioners claim that they are cultivating the land. Respondent No.8, who is unconnected with the land, filed a proceeding u/s 155 of the MLR Code for correction of the name in the 7/12 extract as *Inam* land, instead of the local name Krishnanath in the Rights Coloumn.

2. The Tahsildar initiated a proceeding by order dated 05.09.2015. The Respondent No.8 then moved an application

before the Deputy Collector, Jalna for construction of the temple. The Deputy Collector concluded that the writ land is an *inam* land and directed that the possession of the writ land should be taken by the State.

3. The Petitioner challenged the said order dated 20.04.2016, passed by the Deputy Collector before the learned Maharashtra Revenue Tribunal. By an interim order, status-quo was directed to be maintained, vide order dated 18.10.2017. By final order dated 30.12.2017, the Tribunal rejected the application. The Review application was also rejected. A second revision has been filed before Respondent No.1 on 28.04.2023. Since no order has been passed in the said proceeding, Respondent No.5 / Tahsildar, Jalna issued a public notice, dated 06.02.2024 indicating an intention to auction the '*Ek Saal Lavni*' .

4. The grievance of the Petitioner is that on the one hand, Respondent No.1 is not dealing with the proceedings filed by the Petitioner and on the other hand, Respondent No.5 is proceeding to auction the '*Ek Saal Lavni*' in the entire Gat No.1.

5. Issue notice to the Respondents, returnable on

06.05.2024. The learned AGP waives service of notice on behalf of Respondent Nos.1 to 7.

6. Until further orders, the notice issued by Respondent No.5 dated 06.02.2024 impugned in this Petition, shall not be acted upon. Nevertheless, the pending revision proceedings, initiated by the Petitioners, shall be conducted by Respondent No.1 by issuing notices to all the litigating parties. A final decision may be arrived at, on or before 31.07.2024. The pendency of this Petition shall not be an impediment for concluding the said hearing. If an interim order on the stay application of the Petitioner is passed, the present protection would merge in the said order.

7. All office objections to be removed on or before 25.04.2024, failing which, the Petition shall stand dismissed without reference to the Court on 26.04.2024.

(R.M.JOSHI, J.)

(RAVINDRA V. GHUGE, J.)