

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.11205 OF 2024

Ashok Anna Gat & Ors. Petitioners

V/s.

The state of Maharashtra, Thr. The Respondents
Secretary Dept. of Revenue & Ors.

Mr.M.L. Patil, for the Petitioners.

Ms.Snehal Jadhav, AGP, for Respondent Nos.1 to 5-State.

CORAM : R.M. JOSHI, J.

DATE : 13th AUGUST 2024

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P.C:-

. Heard.

2. The learned counsel for the Petitioner submits that the Petitioners are tenant in respect of the land bearing Gut No.978 admeasuring 2H 59R. It is his submission that the name of the original tenant as well as the present Petitioner being legal heirs of the tenants are already recorded in the revenue record indicating them to be tenants of the said land. It is submitted that, the Respondent-Trust came into existence in the year 1960. It is his further contention that, in any case on the tenants being

the petitioners have become deemed purchasers of the land. According to him on the basis of the circular issued by the Government of Maharashtra, order came to be passed by the Sub-Divisional Officer, and a direction is given for handing over the suit land to the Trust. This order is challenged in the Appeal before the Collector, which came to be dismissed in default. However, an Application is filed for restoration thereof which is also dismissed. Against this order, revision is filed before the Divisional Commissioner which is pending decision.

3. It is his further submission that in spite of this fact, panchnamma was drawn on 12th June 2024, indicating that the possession of the land in question was handed over to the Trust, he contends that possession thereof is with Petitioners. He drew attention of the Court to the statement made by the Petitioners on oath in paragraph No.22 of the Petition that the Petitioners are in actual possession and cultivation of the said land and have grown sugarcane in the said land and the said sugarcane crops is standing therein. This statement being on oath is accepted.

3. Having regard to the aforesaid facts, arguable case has

been made out by Petitioner. It would be in the interest of justice the Respondents concerned are restrained from interfering into the possession of the Petitioners over Gut No.978 admeasuring 2H 59R situated at Village-Hupari, Taluka-Hatkanangale, District-Kolhapur, till next date of the hearing.

4. Issue notice to the Respondents, returnable on 10th September 2024.

5. Ms.Snehal Jadhav, learned AGP, waives service for Respondent Nos.1 to 5.

(R.M. JOSHI, J.)