



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 1076/2024

(ANIL LADHARAM HASIJA **VERSUS** THE STATE OF MAHARASHTRA & OTHERS)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Shri V.R. Borkar, counsel for the petitioner.

Shri D.P. Thakare, Additional Government Pleader for the respondent nos.1 to 4.

CORAM : NITIN W. SAMBRE AND ABHAY J. MANTRI, JJ.

DATE : FEBRUARY 15, 2024

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In response to the show cause notice dated January 29, 2024 with regard to land survey nos.533/2 and 533/5, the petitioner claims that he is the purchaser of the aforesaid land.

2. According to him, the respondent no.6, whose father was the original owner and who had transferred the land to the earlier two owners, was not a tribal as he was not possessing the validity certificate to that effect. His further contention is, the land is already converted to the non-agricultural use by the orders of the Revenue Authorities. In such an eventuality, it is urged that the respondent-Revenue Authorities are sans jurisdiction to initiate the proceedings for resumption of the land to the tribal. He has drawn support from the judgment in *Terraform Magnum Limited (formerly known as Everest Buildcon Limited) Versus The State of Maharashtra & Others* [Civil Appeal No.4500 of 2022 (Arising out of SLP(C) No.2075 of 2018)], *Vitthal G. Uikey Versus State of Maharashtra & Others* [Writ Petition No.3793 of 2011 (Nagpur Bench)] and *Kesholal Motiram Baghele & Another Versus State of Maharashtra & Others* [Writ Petition No. 3182 of 2015 (Nagpur Bench)].

3. The fact remains that the petitioner has already submitted his explanation to the aforesaid show cause notice and the same is pending consideration before the respondent-Authorities.

4. In the aforesaid background, we deem it appropriate to dispose of the writ petition with a direction to the respondent-Authorities to consider the claim of the petitioner as has been spelt out in the explanation dated January 29, 2024 for resumption of the land in question by taking into consideration the aforesaid judgments. We trust and expect the respondent-Authorities to look into the aforesaid judgments and appreciate the position of law while dealing with the case of the petitioner.
5. Order accordingly. No costs.

(ABHAY J. MANTRI, J.)

(NITIN W. SAMBRE, J.)

APTE