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

WRIT PETITION NO. 2422 OF 2024

(Devrao S/o Narsingh Chavhan & Ors.
Vs.
The Additional Commissioner, Amravati & Ors.)

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders

Mr. R.J. Shinde, Advocate for the Petitioners.
Mrs. Mrunal Naik, AGP for the Respondent/State.
Mr. Sunil Patil, Advocate for the Respondent No.4.
Mr. Amit Kukday, Advocate for the Respondent No.4 (Discharged)

CORAM: N.R. BORKAR, J.

DATED : 12th JUNE, 2024

Mr. Sunil Patil, learned counsel submits that he has instructions to appear on behalf of the contesting respondent No.4. In that view of the matter, Mr. A.M. Kukday, learned counsel appearing for respondent No.4 seeks discharge. Mr. A.M. Kukday, learned counsel is hereby discharged from appearing on behalf of respondent No.4.

2. This writ petition takes exception to the order dated 20.02.2024, passed by the Divisional Commissioner, Amravati Division, Amravati in Appeal No. 144/2022.

3. The respondent No.4 herein had filed an application under Section 36-A of the Maharashtra Land Revenue Code (MLRC) before the Tahsildar, Pusad against the petitioners seeking restoration of land bearing Gat No.17/1 at Mouza Naiknagar, Taluka – Pusad, Dist. Yavatmal. The learned Tahsildar by order dated 31.5.2022 allowed the said application and directed that the land in question be restored to respondent No.4. The appeal filed by the petitioners against the order of the Tahsildar is dismissed by the order impugned. Hence, this petition.

4. There is no dispute that the respondent No.4 is tribal and the petitioners are non-tribals. Admittedly, no permission was sought under Section 36-A of the MLRC before purchasing the land in question by the petitioners from the predecessors of respondent No.4 by sale deed dated 25.3.2013. In that view of the matter, no interference is called for in the impugned orders. The Petition is dismissed. No costs.

(N.R. BORKAR, J.)

MP Deshpande

Signed by: Mr. M.P. Deshpande
Designation: PA To Honourable Judge
Date: 14/06/2024 13:16:03