



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

26 WRIT PETITION NO. 2984 OF 2017

Dadaram Eknath Dhawan And Another

VERSUS

The State Of Maharashtra And Others

WITH

CIVIL APPLICATION NO. 1970 OF 2020

IN WP/2984/2017

...

Mr. Sanket Kulkarni a/w Mr. Dilip B. Rode, Advocate for the Petitioners.

Mr. Y. V. Kakde h/f Mr. N. V. Gaware Advocate for the respondents.

Mr. K. S. Hoke Patil, AGP for Respondent-State.

CORAM : KISHORE C. SANT, J.

DATE : 27th JANUARY 2025

PC :-

1. Heard the learned Advocates for the parties.
2. This petition is taken up for final disposal at the stage of admission with the consent of the parties.
3. It is the case of the petitioners that, they happen to be the owners of the land CTS Nos.2041, 2042 and 2043 situated at town Shrigonda. Initially, the lands were shown in the name of petitioners. However, at the relevant time in 1966-67, the petitioners were out of town because

of their services. When the inquiry was held by the authorities, they could not remain present. They could not get notice for this reason. The authorities recorded the land Nos.2042-2043 in the name of Government and land No.2041 is in the name of Takiya Masjid and the respondents.

4. The inquiry was held in 1969. The petitioners filed proceedings before the District Superintendent Land Record (for short “DSLRL”). The properties Nos.2042 and 2043 thereafter were recorded in the name of petitioners in the year 2012. However, in respect of CTS No.2041 it was recorded in the name of Takiya Masjid. The petitioners therefore approached the learned District Superintendent Land Record. The learned DSLRL by giving notices to all the concerned parties and held that the land CTS No.2041 was having original Gram Panchayat House No.724 belonging to the petitioners. The authority thus directed to show the name of petitioners as owners to the properties by its judgment and order dated 14th January 2015.

5. The respondents challenged this order by approaching learned Deputy Director Land Record (for short “DDLRL”). The learned DDLRL

held that there was no proper inquiry held and still the name of the petitioners was taken in the record. The learned DDLR by way of order dated 15th June 2016 directed a fresh inquiry and remanded the matter back to the DSLR.

6. The petitioners being aggrieved by order passed by the DDLR approached the State Government. The learned Minister by impugned judgment and order confirmed the order passed by the DDLR, Nashik. Petitioners are thus before this Court.

7. Mr. Kulkarni, the learned Advocate for the petitioners vehemently argued that, the name of the petitioners was taken after holding due inquiry. The statements were recorded by the surveyor. He recorded even statements of all the concerned persons and submitted a report. The learned DSLR had passed an order relying upon the said inquiry conducted by the Surveyor. This basic aspect is not considered by the learned DDLR while passing the order. The learned DDLR also failed to appreciate that the say of the concerned persons was recorded. He submits that when other two lands were shown in the name of

petitioners i.e. Land No.2042 and 2043, the similar inquiry was held in respect of land No.2041. He has also produced copies of those orders on record by way of Civil Application. He further submits that the inquiry was directed under Section 20(2) of the Maharashtra Land Revenue Code (for short "MLRC"). In the present case, the dispute is between two private individuals. Section 20(2) of the MLRC contemplates enquiry only when there is a dispute in respect of claims against the Government. In the present case, the said inquiry is not contemplated. He thus submits that when the DSLR had passed an order, no interference was required at the hands of the DDLR. He ultimately submits that in any case no remand is necessary.

8. Mr. Kakde, the learned Advocate for Respondents vehemently argued that, in fact, the inquiry is necessary. Thus, the dispute is about number of land itself. The petitioners were shown to be the owners of the Government House No.722/1 whereas the present CTS No.2041 is originally Government House No.724. It is therefore necessary to make an inquiry as to which of the land is converted into CTS No.2041. The

inquiry is limited to this aspect only. He supports the impugned order.

9. Mr. Hoke Patil, the learned AGP also supports the impugned order and prays for dismissal of the writ petition.

10. Having considered the rival submissions this Court finds that, about land CTS No.2042, 2043, there is no dispute. The dispute is only about land CTS No.2041. The learned Advocate for the Respondents has rightly placed reliance upon *sanad* in the name of Takiya Masjid. He has further invited attention to the relevant extract of the register of the tax reading and the land showing that the name of the petitioners was shown to the property original house No.722/1. Grampanchayat House No.724 is shown in the name of one Maroti Ramchandra Nannaware and also P.R. Card where the land of Mr. Maroti Nannaware is shown to be CTS No.2045/1. He thus submits that Property No.724 is converted to CTS No.2045/1. The claim of the petitioners is that Property No.724 is converted to CTS No.2041 and thus the inquiry was necessary. This Court finds substance in the submission of learned Advocate for the respondents. Ultimately this Court finds that, no case is made out to call

for interference in the impugned judgment and order. The exercise of inquiry is expected to be done within a period of six months from today.

11. With this, writ petition stands disposed off.

12. In view of disposal of writ petition, civil application does not survive and disposed off accordingly.

13. Parties to appear before the District Superintendent of Land Record on 10th February 2025.

[KISHORE C. SANT, J.]