



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

22 WRIT PETITION NO. 2218 OF 2020

Sayyad Osman Sajjad Hussain And Others
VERSUS
The State Of Maharashtra And Others

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Mr. V. D. Gunale, Advocate for the Petitioners.

Mr. B. B. Bhise, AGP for Respondent-State.

CORAM : KISHORE C. SANT, J.
DATE : 24th NOVEMBER 2025

PC :-

1. Heard Mr. Gunale, the learned Advocate for the petitioners, and Mr. Bhise, the learned AGP for Respondent-State, for some time.
2. The order impugned in this petition is only an order remanding the matter back to the learned Sub-Divisional Officer for conducting a fresh inquiry. The order passed by the learned Sub-Divisional Officer dated 6th September 2016 is set aside.

3. Learned Advocate Mr. Gunale vehemently submits that, in fact, the respondents have no concern at all of whatsoever nature with the land in question. The land was never property of Waqf and still an inquiry was held. He submits that the inquiry itself would be of no help, as the Sub-Divisional Officer had rightly considered the matter and passed the order.

4. This Court finds that the learned SDO had deleted the entries standing in the name of petitioner. The said order was challenged by the respondent by filing an appeal wherein the impugned order is passed. The learned Collector had come to the conclusion that no proper inquiry is held by the learned SDO before passing the order. The total land in survey No.103 is 32 Acre 28 R. and in Survey No. 254 is 2 Acre 5R. Thus, the total land is 34 Acre 33 R. Out of said land, the total land of 20 Acre and 15 Guntha and Khalsa land of 14 Acre and 18 Guntha was considered. It is further observed that as per the Government Gazette dated 1st May 1980, the area of the petitioner is shown to be 200 X 140 feet and in land survey No.103, it is shown to be 20 Acre 15 Guntha and

in land survey No. 254 is 2 Acre and 15 Guntha. The land in the name of petitioner as per the said notification is shown only 22 Acre 20 Gunthas. However, the learned SDO passed the order in respect of total land of 34 Acre 33 Gunthas. It is observed that there is thus an excess land of 11 Acre 40 Gunthas shown in the name of petitioner. The learned Collector thought it proper to remand the matter for a fresh inquiry.

5. The learned AGP submits that the learned Collector, noticing above variance, has rightly passed the order and no interference is required.

6. It does appear that 11 Acre 14 Gunthas land is shown in excess. Proper inquiry is therefore necessary. This Court does not find any reason to interfere with the order. The writ petition therefore stands disposed of with a direction to the learned SDO, Ahmedpur Dist. Latur, to complete the fresh inquiry as early as possible and preferably within six months from today.

7. Needless to state that, the learned SDO shall observe all principles of natural justice and provide an opportunity of hearing to all the

parties. This Court has not recorded any findings on merits.

[KISHORE C. SANT, J.]

D.A.Ethape