



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

**WRIT PETITION NO. 5567 OF 2024**

Rukhman Mahadu Kathole Deceased Lrs Madhavrao Rukhman Kathole And  
Others

**VERSUS**

The State Of Maharashtra Through Revenue And Forest Department Others

Mr. D. P. Palodkar, Advocate for Petitioners

Mr. N. D. Raje, AGP for Respondent Nos. 1 to 4

**CORAM : R. M. JOSHI, J.**

**DATE : 25<sup>th</sup> March, 2025**

**PER COURT :-**

1. None for contesting respondent in spite of service of notice. This indicates disinclination of this respondent to oppose the petition.
2. This petition takes exception to the order dated 19.04.2022 passed by Additional Divisional Commissioner-1, Aurangabad in Proceeding No. 2021/ROR/Inam/CR-350 where by order passed by the Additional Collector dated 14.08.2018 in Proceeding No. 2017/RB/Appeal/CR-45 came to be confirmed.
3. Learned counsel for Petitioners submits that both Authorities have committed error in interpreting the order passed by this Court in Writ Petition

No. 7482/2016. It is his submission that in connection with the orders, impugned therein, representations were made, which were disposed of by this Court. It is his grievance that the Authorities below have considered the disposal of these representations as disposal of the proceedings under the provisions of The Hyderabad Abolition of Inams and Cash Grants Act, 1954 (for short “**Act of 1954**”). In order to support his submission, he has drawn attention of the Court to the impugned order wherein according to him except for the order passed by this Court as referred above, no other reason recorded for dismissal of the proceedings.

4. Learned AGP has sought to support the impugned orders.

5. Perusal of the orders impugned indicates that the proceedings under the Act of 1954 came to be disposed of with observation that there is direction of this Court in Writ Petition No. 7482/2016 by order dated 04.01.2018 for dismissal of the same. It is however necessary to take note of the fact that the said order clearly indicates that it never pertained to the proceedings under the Act of 1954. This Court in Paragraph 9 has observed that the representations dated 11.09.2017 stand disposed of which can never be construed as the disposal of the proceedings before the Authorities below under the provisions of the Act of 1954. Since, the challenge in the said petition was

to the order passed under the provisions of Maharashtra Land Revenue Code, there was no occasion of this Court to dispose of proceedings under the Act of 1954. Authorities below, therefore, have committed error in interpreting the order passed by this Court as direction of dismissal of the proceeding. Hence order cannot sustain and hereby set aside.

6. Proceedings bearing No.2017/RB/Appeal/CR-45 relegated back to the Additional Collector. Proceeding since of year 2017, is directed to be disposed of within a period of six months in accordance with law. Since, contesting party was not joined as respondent in the proceeding before the Additional Commissioner, the Collector to issue notices to respective parties before conducting the hearing of the said proceeding.

**(R. M. JOSHI, J.)**

bsj