



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

48 WRIT PETITION NO. 11220 OF 2025

1. LAXMIBAI W/O RAOSAHEB KADAM
2. RANJANA D/O RAOSAHEB KADAM
3. VISHRANTI D/O RAOSAHEB KADAM
4. JAYASHRI D/O RAOSAHEB KADAM
5. DNYANOBA S/O RAOSAHEB KADAM
6. KASTURIBAI W/O DADARAO KADAM
7. SHIVAJI S/O DADARAO KADAM

All residents of Tapovan,
Taluka Aundha Nagnath,
Distirct Hingoli

.. Petitioners

VERSUS

1. THE STATE OF MAHARASHTRA,
THROUGH THE REVENUE DEPARTMENT
2. THE ADDITIONAL DIVISIONAL COMMISSIONER,
AURANGABAD DIVISION
3. THE DEPUTY COLLECTOR (GENERAL),
HINGOLI
4. THE TAHSILDAR,
AUNDHA NAGNATH
5. THE CIRCLE INSPECTOR,
AUNDHA NAGNATH
6. MAROTI S/O JAIRAM KADAM
Age: Major, Occu.: Agriculture
R/o. Tapovan, Tq. Aundha Nagnath,
Dist. Hingoli

.. Respondents

...
Advocate for the Petitioners : Mr. Rajendrara Deshmukkh, Senior
Advocate a/w. Mr. S. V. Deshmukh i/b. Mr. Nirmal Ramchandra J.
AGP for Respondent/State: Mr. K. B. Jadhavar
Advocate for Respondent No.6 : Mr. P. R. Katneshwarkar, Senior
Advocate i/b. Mr. Anuj Fulfagar
...

CORAM : ARUN R. PEDNEKER, J.
Reserved On : 15.09.2025
Pronounced On : 18.09.2025

ORDER:

1. Heard.

2. By the present petition the petitioners challenge the order dated 11.09.2025, passed by the Additional Divisional Commissioner / Respondent No.2 dismissing the interim stay application in the pending Revision seeking stay to the order dated 12.08.2025, passed by the Deputy Collector, Hingoli / Respondent No.3, whereby the Deputy Collector dismissed the objections to proceedings for execution of the order passed dated 21.12.1993 in File No.86/INAM/47 & 80/No.93-H.INAM/CR 134.

3. Facts in brief from which the proceeding arises are noted below:-

In a suo motu proceeding initiated by the Collector under the Hyderabad Inam Abolition and Cash Grants Act, 1954 (*for brevity "the said Act"*), the Collector under Section 6(i) of the said Act directed the State to take the land bearing Sy. No.31, admeasuring 10 Acres 39 Gts., situated at Village Tapowan, Taluka Basmat into the supervision of the State by declaring respondent no.6 as the regrantee of the property. In order dated 21.12.1993, the Collector gave directions as under:

“

ORDER

The Non-Applicant Maroti Jairam Kadam, R/o. Tapowan Taluka Basmat now Taluka Aundha Nagnath is declared as a regrantee of the suit land. Occupancy rights are hereby vested in him.

The land Sy.No.31 Gat No.76, admeasuring 3 H. 25 R. situated at village Tapowan, Tq. Basmat now Taluka Aundha Nagnath be taken under Govt. supervision immediately without waiting for further orders.

...”

4. The aforesaid order 21.12.1993 was challenged by the Petitioners before appellate authorities and, thereafter, before the High Court and the High Court by order dated 25.04.2022 in Writ Petition No.928 of 2022, dismissed the writ petition filed by the petitioners against the said order. Thereafter, the Review Application (Civil) No.162 of 2022 was filed by the Petitioners before this court and the same is also dismissed by order dated 13.10.2022. The aforesaid orders of this court dated 25.04.2022 and 13.10.2022 are challenged before the Hon'ble Supreme Court in SLP no.41802/2022 in which the delay is condoned and the notice is issued on 17.01.2023. However, the Hon'ble Supreme Court has not granted any interim relief in favour of the petitioners.

5. While the order dated 21.12.1993 was being implemented by the Tahsildar of District Hingoli by an interim order passed on 22.07.2022, the same was challenged before this court and this court on 03.03.2025 in Writ Petition No.8018 of 2022 observed at paragraphs no.11 and 13, as under:

“11. This Court is unable to accept the said submission for the reason that orders referred above clearly indicate that the order of granting possession to re-grantee i.e., Maroti does not subsist, in view of the subsequent order dated 21.12.1993, wherein it is held that the subject land be taken under the Government supervision and there is no direction of handing over the possession thereof to the respondent No. 5.

13. As a result of the above discussion, Petition stands allowed. Impugned order is set aside. It is however open for the authorities to adopt appropriate procedure of law as contemplated by the land Revenue Code for the purpose of the implementation / execution of the order dated 21.12.1993.”

6. In pursuance of the aforesaid order dated 21.12.1993 of the Collector under Section 6(i) of the said Act and the orders passed by this court, directions are issued by Respondent No.3 / the Deputy Collector, Hingoli, dated 12.08.2025 to take over (surrender) possession of the aforesaid land under the supervision of the State Government.

7. The said order dated 12.08.2025 is challenged before the Revisional Authority in which prayer for interim relief is made, which is rejected by the impugned order dated 11.09.2025. Hence, this writ petition.

8. The main proceedings challenging the order dated 21.12.1993, passed by the Collector under Section 6(i) of the said Act is pending before the Hon'ble Supreme Court in the SLP filed in the year 2022. The Hon'ble Supreme Court has condoned the delay in filing SLP and issued notice and that there is no interim protection granted to the petitioners and the matter is subjudice before the Hon'ble Supreme Court. Considering that this court has dismissed the challenge to the order dated 21.12.1993 and in the pending SLP the Hon'ble Supreme Court has not granted interim

protection, it would not be appropriate for this court to grant stay to the implementation of the order dated 21.12.1993.

9. Hence, the Writ Petition stands dismissed.

[ARUN R. PEDNEKER, J.]

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