



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

951 WRIT PETITION NO.14400 OF 2025

DHANSINGH ANANDA CHAUDHARI THROUGH GPA DR. VIKAS D
CHAUDHARI

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Mr. A.V. Indrale Patil, Advocate h/f Mr. V.P. Patil, Advocate for petitioner

Mr. S.B. Pulkundwar, AGP for respondent Nos.1 to 3

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CORAM : SMT. VIBHA KANKANWADI &
HITEN S. VENEGAVKAR, JJ.

DATE : 02nd DECEMBER, 2025

ORDER :

. Present petition has been filed challenging the communication dated 17.02.2025 issued by Deputy Collector (Rehabilitation), Jalgaon, thereby refusing permission to transfer the land in favour of his son and further to direct respondent No.3 to grant permission for sale of land Gat No.163 admeasuring 01 H 49 R and Gat No.164 admeasuring 01 H 27 R situated at village Ghadwel, Tq. Chopda, Dist. Jalgaon.

2 Heard learned Advocate Mr. A.V. Indrale Patil holding for learned Advocate Mr. V.P. Patil. He submits that petitioner wants to sell the land to his son, however, since the lands are notified under Section 11(1) of the Rehabilitation Act, the permission is necessary for the same. He relies on the decision of this Court in **Nitin Shantaram Patil vs. The State of Maharashtra and others** in Writ Petition No.2563 of 2020 with companion matter decided on 09.03.2022, wherein such permission was granted. He also submits that there is in fact no blanket restriction or ban under Section 12(2) of the Rehabilitation Act and, therefore, the application ought not to have been rejected.

3 Learned AGP supports the decision for the reasons stated in the impugned order.

4 The first and the foremost fact that is required to be noted is that there is no ground mentioned as to why the petitioner, who is 85 years old person, wants to sell the land to the son. Now, assigning the reason for rejection it has been stated that possibility of then sub division because of the transfer cannot be ruled out and further if the permission is given to the same, then possibility of taking that valuation into consideration and taking advantage of the same by the other persons whose lands have been acquired

cannot be ruled out. Though in the order passed by Co-ordinate Bench restrictions have been imposed; yet there the affidavit was given, and also the undertakings, wherein it appears that the agreement to sell was executed. In that matter the acquisition process appears to have been then yet not completed as one of the statements that was made on behalf of the petitioner was that land owners undertake not to interfere with the acquisition process since they would be relinquishing their right, title and interest on the portion of the lands agreed to be sold. Here, in this case, the challenge to the rejection is not on any other point and already the acquisition proceedings have taken place. The Notification under Section 11(1) of the Rehabilitation Act was also published on 20.08.1998. The said Notification has not been sought to be quashed and set aside. For these reasons, we take the matter as not a fit case for the exercise of powers under Article 226 and/or 227 of the Constitution of India. The writ petition stands dismissed.

(HITEN S. VENEGAVKAR, J.)

(SMT. VIBHA KANKANWADI, J.)

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