



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

902 REVIEW APPLICATION (CIVIL) NO. 193 OF 2024
IN
WRIT PETITION NO.2312 OF 2015

Appasaheb Kisan Gaikwad Died Thr Lrs Prayagabai Appasaheb
Gaikwad and others

VERSUS

The State Of Maharashtra And Others

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Advocate for Applicants : Mr. Kale Ajeet B.
AGP for Respondents: Ms. V N Patil-Jdhav

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CORAM : MANGESH S. PATIL AND
S. G. CHAPALGAONKAR, JJ.

Dated : January 16, 2025

PER COURT :-

1. We have heard both sides extensively.
2. Learned advocate for the petitioners submits that the judgment and order under review was a common order, whereby several matters were decided including the present writ petition. He would submit that though basically prayers in the matter of present petition was only in respect of implementation and execution of decision of the Committee, suggesting allotment of a specific piece of land 'Exhibit-D' and unlike other petitioners in other matters the petitioners in the

present matter were not seeking to put up any challenge to clause no.3.1.1 to 3.1.5 of the Government Guidelines dated 4.5.2012, petitioners' claim for allotment of the land pursuant to suggestion of the Committee 'Exhibit D' ought to have been considered on its own merits.

3. The order under review does not indicate about petitioners' claim having been considered and decided on its own merits. Learned advocate would make it abundantly clear that the petitioners are not intending to get anything decided independently and are merely interested in having the land as suggested by the Committee.

4. The learned AGP referring to the affidavit-in-reply would oppose the review application on the grounds mentioned therein. However, she fairly concedes that in the order under review the prayer of the petitioner seeking implementation of recommendation of the Committee "Exhibit-D" was not objectively considered and decided on merits. She would also concede that the fact that affidavit-in-reply also does not meet this fact.

5. We have considered rival submissions and perused the papers.

6. Even if it is a matter of record that reply has been filed on all fours, it essentially meets the stand taken in another review application filed in different writ petition, wherein, the petitioners therein had put up a challenge clause 3.1.1 to 3.1.5 of the Government Guidelines dated 4.5.2012. It does not expressly mention about entitlement or otherwise of the petitioners to seek possession of the lands in accordance with recommendation of the Committee dated 16.12.2013 in accordance with the provisions of the Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1961.

7. In view of such peculiar state of affairs, when the order under review was passed as a common order in several matters, *ex facie*, the petitioners' claim for implementation and execution of recommendations of the Committee, which ought to have been dealt with on its own merits, was not decided.

8. In light of above, the order under review to the extent of the present petition deserves to be reviewed vis-a-vis prayers in the writ petition regarding allotment of land in

accordance with the decision/recommendations of the Committee. It is only to this extent, the Review Application is **allowed and disposed of.** List the Writ Petition for hearing.

(S. G. CHAPALGAONKAR, J.)

(MANGESH S. PATIL, J.)

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