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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.7155 OF 2025

SHIRISH ANANT MORGHADE

VS.

THE COLLECTOR, DISTRICT NAGPUR AND OTHERS

*Office Notes, Office Memoranda of Coram,
Appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Mr. B.G. Kulkarni, Advocate for the petitioner/s

Ms K.P. Marpakwar, AGP for the respondent Nos.1 to 3/State

CORAM : ANIL S. KILOR AND RAJNISH R. VYAS, JJ.

DATE : 26.11.2025

P.C.

1. Heard.

2. In the present petition, the petitioner is praying for direction to the respondent No.3-Tahsildar, Kalmeshwar, District Nagpur, to unlock 7/12 extract of the land bearing Survey No.864 (Bhudan Land), area 1.62 hectares, Mouza Kalmeshwar, to facilitate execution of Exchange Deed and Surrender Deed by the petitioner.

3. A similar request was earlier made by the petitioner to the respondent-authorities, along with the No Objection Certificate (NoC) issued by the Bhudan Yadnya Mandal and other relevant documents. However, it appears that vide communication dated 02.05.2025, the Tahsildar asked the petitioner to furnish orders of the competent authority, ignoring the NoC issued by the Bhudan Yadnya Mandal, which itself is the competent authority to give such NoC.

4. Thus, despite the NoC issued by the Bhudan Yadnya Mandal the Tahsildar ignored the same and again asked the petitioner to submit orders of the competent authority. Such an approach amounts to non-application of mind to the material placed on record.

5. Therefore, we are of the opinion that the communication dated 02.05.2025 needs to be quashed and set aside and the Tahsildar can be directed to take a fresh decision on the request of the petitioner to unlock the 7/12 extract in relation to the land in question. Accordingly, we pass the following order:

- i) The writ petition is **allowed**.
- ii) The order dated 02.05.2025 issued by the Tahsildar, Kalmeshwar, is quashed and set aside, with a direction to respondent No.3-Tahsildar, Kalmeshwar to reconsider the petitioner's prayer for unlocking the 7/12 extract of the land in question, within six weeks from the date of furnishing a copy of this order to respondent No.3.

6. Needless to mention that the Tahsildar, Kalmeshwar shall take into consideration the grounds raised in the present petition and also the documents annexed thereto as well as NoC issued by the Bhudan Yadnya Mandal while taking a decision.

7. Any decision is taken in pursuance of this direction by the respondent No.3, the same shall be communicated to the petitioner within two weeks from the date of such decision.

8. The learned counsel for the petitioner undertakes to furnish a copy of the present petition along with documents annexed therein and a copy of this order before the concerned authority within a period of two weeks from today.

Accordingly, the petition is **disposed of** in the above terms. No order as to costs.

(RAJNISH R. VYAS, J.)

(ANIL S. KILOR, J.)