



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

WRIT PETITION NO. 8375 OF 2022

(Sanjay s/o Martandrao Kinkhede Vs. State of Maharashtra and ors)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Ms. Rukhmini Bobde, Advocate for petitioner.
Ms. T.H. Khan, AGP for respondent Nos. 1&2/State.
Mr. N.B. Bargat, Advocate for respondent No. 3.
Mr. A.R. Deshpande, Advocate for respondent No. 4.

**CORAM : AVINASH G. GHAROTE &
ABHAY J. MANTRI, JJ.**

DATED : 31-01-2025

Heard learned Counsel for the petitioner and the learned AGP for respondent/State. The petition question order dated 6.10.2022, passed by the Naib Tahsildar, Nagpur (Gramin) (page 49), in respect of land bearing survey Nos. 151 and 152, of village Panjri (B). There are two submission raised by the learned Counsel for the petitioner that the land of survey 152, being a private land, the Naib Tahsildar did not acquire any jurisdiction to pass any orders and the another submission is that the impugned order dated 6.10.2022 was passed without according opportunity of hearing to the petitioner.

2. In so far as the second ground is concerned, the affidavit in reply filed by the Collector, Nagpur, in paragraph 6.16, categorically states, that the petitioner was not granted any opportunity of hearing before passing of the said order in light of the which same cannot be sustained.

3. Insofar as the plea that the land survey No. 152 being

a private land, the respondent No.2, would not have any jurisdiction to pass any orders in respect thereof, we find that the provisions of the Maharashtra Land Revenue (MLR) Code empower the respondent No.2, to exercise jurisdiction, only in respect of lands belonging to the Government. He will therefore, before passing any orders vis a vis the land of survey No. 152 or for that matter, in respect of any private land first arrive at a finding that he has power to exercise jurisdiction in terms of the provisions of the MLR Code, over the same and then only deal with the same.

4. In view of the above position, the impugned order dated 6.10.2022, cannot be sustained, same is hereby quashed and set aside. The petition is accordingly allowed in the above terms. No costs.

(ABHAY J. MANTRI, J.)

(AVINASH G. GHAROTE, J.)