



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.2700 OF 2026

Nagorao Santram Londhe
Age: 85 years, Occu.: Agri.,
R/o. Kind, Tq. And Dist. Dharashiv.

.. Petitioner

Versus

1. The Principal Secretary
Revenue and Forest Department,
Mantralaya Mumbai-32.
2. The Collector,
Collector Office, Dharashiv.
3. The Tahasildar,
Tahsil Office, Dharashiv.

.. Respondents

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Mr. R. K. Ashtekar, Advocate for the petitioner.
Ms. Neha B. Kamble, AGP for the respondents/State.

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**CORAM : SMT. VIBHA KANKANWADI &
NEERAJ P. DHOTE, JJ.**

DATE : 16 APRIL 2026

ORDER (Per Smt. Vibha Kankanwadi, J.) :-

1. Heard learned Advocate for the petitioner.
2. On the last occasion, this Court had asked the petitioner to file document. Accordingly, one authority letter has been filed which is stated to have been executed on 15.03.2026, however, it is to be noted that the

present petition came to be filed on 10.09.2025. Present authority letter cannot be considered of having retrospective effect. The petitioner has not disclosed that he has filed the petition in his capacity as priest or in the capacity as president of Shri. Khandoba Devsthan Trust, still the question then would be, if Trust is a registered Trust, why the petition was not filed in the name of the Trust.

3. The petitioner seeks relief of directing respondent Nos.2 and 3 to decide the representation dated 07.06.2011, reminder dated 08.12.2017 and application dated 17.11.2022 within a stipulated period.

4. Here, the petitioner claims that Gut No.984 in village Kond, Taluka and District Dharashiv is owned by the Government. Petitioner admit that the said land was not allotted to the Trust or temple, but the temple was constructed. Then the Devsthan came to be registered under the Maharashtra Public Trust Act on 18.12.1999. The petitioner had filed Regular Civil Suit No.110 of 1999 for mandatory and permanent injunction as well as possession of the encroached portion against the persons, who were disturbing the possession of Devsthan. The said suit has been decreed. The Second Appeal filed has also been disposed of by this Court on 18.04.2011. Thereafter, the petitioner filed application on 07.06.2011 for the allotment of the land Gut No.984 admeasuring South-North 210 Feet and East-West 75 feet.

5. Here, it is to be noted that the judgment of Regular Civil Suit No.110 of 1999 delivered by Joint Civil Judge Junior Division, Osmanabad on 19.04.2006 has been filed and it can be seen that the State Government was not a party to this proceeding and, therefore, the said decree cannot be said to be binding on the Government. Now, on what basis the petitioner seeks granting of the said portion to the Devsthan has not been cleared in the pleadings. The copy of the order in Second Appeal decided by the Hon'ble the Single Bench of this Court in Second Appeal No.240 of 2007 dated 11.04.2018 has been filed. It appears to be the plaintiff's Second Appeal. Though Regular Civil Suit No.110 of 1999 was decreed by the Trial Court, it appears that the first Appellate Court had reverted the decree and, therefore, the present petitioner was before this Court. The Second Appeal was dismissed as no substantial questions of law was arising. Now, the petitioner is relying on the observation in paragraph No.8 of the second appeal, which reads as under :-

“8. Dismissal of this Second Appeal would not come in way of the plaintiff to prosecute any other legal process for allotment of the said land for Devsthan.”

6. Therefore, now, the petitioner should make it clear as to under which provisions, he seeks allotment. Merely by filing the representation this Court will not burden respondent Nos.2 and 3 to take a decision on such

application. However, the petition also suffers from delay and laches when it is stated that the first application was made in the year 2011.

7. Hence, the writ petition stands dismissed.

[NEERAJ P. DHOTE]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

scm