



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

934 WRIT PETITION NO. 10185 OF 2025

PRASAD DATTATRAY PATIL

VERSUS

CHANDRAKANT ALIAS CHANDAR DAGADU TULSE AND OTHERS

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Mr. S. A. Patil, Advocate for the Petitioner

CORAM : S. G. CHAPALGAONKAR, J.

DATED : 21st JANUARY, 2026

P. C. :-

1. Heard learned Advocate appearing for Petitioner.
2. The present Writ Petition takes exception to the order dated 24.12.2024 passed by Maharashtra Revenue Tribunal, Chhatrapati Sambhajnagar in Revision Petition No. 20-A-2023-Osmanabad as well as order dated 20.06.2023 passed by learned Additional Collector (Land Reforms), Osmanabad in File No. 2021/SaPra/LR-2/KaVi/238/CR-58.
3. The Petitioner claims that his grandfather was owner of land Gut No. 328 situated at Savargaon, Tq. Tuljapur. It was possessed by State Government under Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1961. It was distributed to Respondent No.1 being landless person. In year 2021, Respondent No.1 applied for permission to sale the land allotted to

him. The Collector caused inquiry through Tahasildar. The public notice was issued. Accordingly permission was granted. Finally sale deed in favour of Respondent Nos.2 and 3 has been effected.

4. The Petitioner objects to the order of Collector granting permission to sale on the ground that Respondent No.4 i.e. Gramvikas Adhikari and villagers had requested the District Collector, Osmanabad to acquire said land for public purpose, particularly for construction of school.

5. Learned Advocate appearing for Petitioner would further submit that Respondent No.1 had filed proceeding seeking permission for sale after execution of sale deed hence, same could not have been considered.

6. On 20.08.2025 when this Writ Petition was heard, learned counsel appearing for Petitioner was directed to demonstrate Petitioner's right to repurchase property, which is sought to be transferred by the respondent, in whose favour of land was allotted as per the provisions of the Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1961.

7. In response to the aforesaid query, learned Advocate for Petitioner relies upon Section 19 of Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1961 which reads thus:

“19. Power of Collector to restore land to landlord in certain cases.— Where during an enquiry into holding of any person, or as the case may be, family unit under this Chapter, it appears that—

(a) the whole or any part of the surplus land, delimited under the foregoing provisions, is held by that person or family unit or is deemed to be held by that person or family unit from a landlord; and

(b) the landlord has a right of resumption for personal cultivation in respect of that land (or part thereof) under the relevant tenancy law applicable to such land, the Collector shall (unless that right is subject to proceedings instituted before the 26th day of September 1970 before any court, tribunal or other authority and pending at the time of such inquiry), notwithstanding anything contained in that tenancy law (but without prejudice to any right to resume land which is not delimited as surplus land), restore possession to the landlord of so much only of the surplus land, as he is entitled to resume, and which together with any other land held by him, or as the case may be, the family unit shall not exceed the ceiling area under this Act. The balance, if any, shall be declared as surplus land.”

. It is submitted that in light of aforesaid provision, Petitioner being a legal heir of original land holder, is entitled for restoration of land.

8. Apparently, aforesaid provision applies during the process of inquiry into surplus land. In present case, process of acquisition of surplus land has been completed. Thereafter land was allotted to Respondent No.1. The order of allotment was never challenged and has attained finality. Respondent No.1 thereafter made an application seeking permission to sell land and same has been granted by District Collector.

9. Pertinently, Petitioner approached the Civil Court challenging aforesaid orders and suffered dismissal of suit. The decree passed by Civil Court in R.C.S. No. 1154 of 2021, filed by Petitioner, has attained finality. In this backdrop, Petitioner does not have a locus standi to raise challenge to the order passed by the District Collector. The Tribunal has rightly observed aforesaid circumstances and dismissed Revision Application filed by Petitioner.

10. In that view of matter, there is no merit in Writ Petition, hence, Writ Petition stands rejected.

(S. G. CHAPALGAONKAR, J.)

ssp