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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.2751 OF 2026

Baliram Babulal More And Others

VERSUS

The State of Maharashtra Through its Revenue Secretary And Others

.....

Mr. Nishant S. Mansingka, Advocate for the Petitioners

Mr. Abhijit M. Phule, AGP for Respondents No.1 and 2

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CORAM : SMT. VIBHA KANKANWADI AND
HITEN S. VENEGAVKAR, JJ.

DATE : 08 APRIL, 2026

PER COURT :-

1. The present petition has been filed for following reliefs:

“a. that this Hon'ble Court be pleased to quash and set aside the impugned order dated 06.11.2023 and 17.11.2013 passed by Respondent Tahsildar, Paithan in respect of the petition Agriculture land which admeasuring 5 hector 35 gunthasin Gut No. 60, which is situated at Village Nanegaon, Tq. Paithan, Dist. Chhatrapati Sambhajanagar, in the interest of justice;

b. that this Hon'ble Court be pleased to issuing a Writ of Mandamus or any other writ like nature to Respondent-Tahsildar Paithan, kindly be directed to verify records and decide the Application under section 38-E/F of Hyderabad Tenancy and Agriculture Land Act 1950 dated 05.02.2024 at Exhibit- filed by the petitioner as expeditiously, in the interest of justice.

c. that this Hon'ble Court be pleased to call for the records and proceedings from the Respondent-Tahsildar with respect to Application filed by Petitioner upon perusal of the same may be pleased to declared ownership under section 38-E/F of Hyderabad Tenancy and Agriculture Land Act 1950.”

2. Heard the learned advocate for the petitioners. Learned AGP waives service of notice for respondents No.1 and 2. No necessity to issue notice to respondents No.3 (A to H).

3. The petitioners contend that their forefathers were tenants of the land belonging to the original respondent, Biharilal Mohanlal Pallod, to the extent of Gut No. 60, admeasuring 5 Hectares and 35 R, situated at Nanegaon, Tq. Paithan, Dist. Aurangabad. The petitioners belong to the Bhil Tribe, which is a Scheduled Tribe. The said land was mutated in the name of the petitioners' grandfather, Shankar Dagdu Bhil, as a tenant in the year 1956–57. Shankar Dagdu Bhil expired on 23.05.1970. Thereafter, the name of the petitioners' father came to be mutated in the year 1974–75. In the meantime, a consolidation scheme was implemented in the village. The petitioners' father, Babulal, expired on 20.05.2021. Thereafter, the names of the petitioners ought to have been recorded in the revenue record of Gut No. 60. Though applications were made to the Tahsildar, the same have neither been decided nor considered. The original owner, Biharilal, had expired on 15.05.1991. According to the petitioners, the respondent–Tahsildar, without following the due procedure as contemplated under the Hyderabad Tenancy and Agricultural Lands Act, 1950, passed the order dated 17.12.2013 and directed the Talathi to remove the tenancy rights entry in favour of Shankar from the “Other Rights” column in the 7/12 extract of Gut No. 60. After ten years of the said impugned order, the Talathi submitted a report on 04.01.2023. Thereafter, the Circle Officer carried out a spot panchanama on 10.04.2023; however, the revenue

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authorities are acting in favour of respondent No. 3. The petitioners have filed an application under Sections 3-E and 3-F of the Hyderabad Tenancy and Agricultural Lands Act, 1950 on 05.02.2024, seeking a declaration of ownership over the land as protected tenants. The said application has not yet been decided. Hence, the present petition.

4. Learned AGP objects to the petition on the ground that, taking into consideration the prayer clauses, the petitioners are challenging the orders dated 17.11.2013 and 06.11.2023 after a considerable lapse of time, and when a statutory remedy is available, yet they have approached this Court.

5. Learned advocate for the petitioners has, in fact, handed over our order dated 14.11.2025 passed in Writ Petition No. 11432 of 2025 (Kachru Babulal More vs. The State of Maharashtra through its Revenue Secretary and Others), whereby we had considered only prayer clause 'B' and, taking into consideration the statement made on behalf of respondent No. 4, had directed him to decide the application dated 05.02.2024 under Sections 38-E and 38-F of the Hyderabad Tenancy and Agricultural Lands Act, 1950 within a period of six months from the date of the order. We had even informed the learned advocate for the petitioners that we would consider only prayer clause 'B'; however, it appears that the same is not agreeable to him. He is relying on the

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panchanama dated 10.04.2023, which was drawn in the presence of the Circle Officer, wherein reference is made to the names of the petitioners and their predecessors.

6. Here, it is to be noted that, first of all, the order dated 17.11.2013 appears not to have been challenged by the petitioners, though they had knowledge of the same, within a reasonable period or within the statutory time before the higher authorities. The same position with regard to the order dated 06.11.2023. Now, the question relates to a disputed issue of fact as to whether the petitioners' predecessors were protected tenants or not. Merely on the basis of the 7/12 extract, this Court cannot arrive at any such conclusion, especially in view of the reasons recorded in the order dated 17.12.2013. The writ jurisdiction cannot be invoked by any person to seek a declaration and, therefore, at the cost of repetition, we are of the opinion that only prayer clause 'B' can be considered. Since the said aspect is not agreeable to the petitioners, we dismiss the petition.

[HITEN S. VENEGAVKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE