

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

CIVIL APPLICATION NO.11888 OF 2022
IN WP/6270/2014 WITH CA/13864/2018 IN WP/6279/2014
WITH WP/6270/2014 WITH CA/14853/2018 IN WP/6279/2014
WITH CA/11884/2022 IN WP/6279/2014 WITH WP/2312/2015
WITH WP/5710/2014 WITH CA/982/2016 IN WP/6279/2014
WITH WP/6279/2014

NARAYAN PARASRAM MORGE DIED THROUGH LRS RUKHMINI
NARAYAN MORGE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS

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Mr. A. B. Kale, Advocate for applicants
Mr. S. B. Yawalkar, AGP for respondent Nos. 1 to 4
Ms Sangita Sambre, Advocate h/f Mr. V. R. Dhorde, Advocate for
respondent No. 5
Mr. S. S. Kulkarni, Advocate for respondent Nos. 6 to 19

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**CORAM : MANGESH S. PATIL &
Y. G. KHOBRAGADE, JJ.**

DATED : 23 NOVEMBER 2022

PER COURT :-

. Ms Sangita Sambre, learned Advocate holding for
Advocate Mr. Dhorde, who appears for respondent - Corporation,
seeks adjournment on the ground that Mr. Dhorde, learned
Advocate has gone out of station.

2. Mr. Kale, learned Advocate for the applicants points out that the petitioners are seeking to exercise right under Section 28-1AA of the Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1961.

3. Mr. Kale would submit that considering the fact situation, this Court had granted ad-interim relief by order dated 22.07.2014. Further it was subsequently vacated in the peculiar circumstances. However, even when the petitions are still pending, the Corporation has issued a fresh notification inviting tenders. He would point out that the tenders were to be filled in by 21.11.2022 and were to be opened yesterday i.e. 22.11.2022. He would submit that in view of such peculiar facts and circumstances, some interim protection be granted to the petitioners.

4. The learned AGP submits that it is a matter of lease of agricultural lands, which cannot be allowed to remain uncultivated and the Court may direct that lease agreement to be entered, if any, would be subject to the outcome of the writ petitions.

5. In view of the aforementioned facts and circumstances, we direct that any allotment of lease pursuant to the tender notice

published by the respondent Corporation would be subject to the orders of this Court.

6. We further clarify that even if the further process is taken ahead, possession shall not be delivered.

7. Stand over to 25.11.2022.

[Y. G. KHOBRADE, J.]

[MANGESH S. PATIL, J.]

SMS