

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 3795 OF 2023

(Hematai w/o Chinnana Chalurkar

Vs.

The Divisional Commissioner, Nagpur & Ors.)

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mrs. (Dr.) R.S. Sirpurkar, Advocate for the Petitioner.
 Mr. N.R. Patil, A.G.P. for the Respondents/State.

CORAM: AVINASH G. GHAROTE, J.

DATED : 21st JUNE, 2023

Heard Mrs. Sirpurkar, learned counsel for the petitioner.

2. It is submitted, that the original allotment of land of Survey No.25/7 admeasuring 2.00 H.R. of Mouza Yenkapalli, Taluqa Aheri, District Gadchiroli, to the petitioner on 05.03.2018 did not contain any condition regarding any family income. It is also contended, that since Rule 43 of the Maharashtra Land Revenue (Disposal of Government Lands) Rules, 1971, applies that does not contain any requirement of the family income to be satisfied, inspite of which on this ground both the Authorities below have cancelled the allotment. Another ground on which the allotment has been cancelled by the Additional Collector by his order dated 23.11.2020 (page 31) is that the land is in protected

forest as per the notification dated 04.06.1955 issued by the then State of Madhya Pradesh, which has not been declassified. A copy of the notification is placed on record (page 47), which according to the learned counsel for the petitioner, does not contain Survey No.25/7. That apart, it is also contended, that though the notification makes mention of Survey No. 25/5, the same has been allotted by the respondents for which reliance is placed upon 7/12 extract at page 52.

3. Considering the above position, issue notice for final disposal to the respondents, returnable on **10.07.2023**.

4. Mr. Patil, learned AGP waives notice for the respondents/State.

5. Till the returnable date, there shall be an ad interim stay in terms of prayer clause (2).

JUDGE

SD. Bhimte