

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.7229 OF 2022

Ganpati Krishna Patil (Since Deceased),

Through Legal Heirs :-

Krishna Ganpati Patil and Anr.

.. Petitioners

Vs.

State of Maharashtra,

Through Department of Revenue & Forest and Ors.

.. Respondents

Mr. Manoj Patil for the Petitioners.

Mr. N.K. Rajpurohit, AGP for Respondent Nos.1 to 3–State Authorities.

**CORAM : PRASANNA B. VARALE &
KISHORE C. SANT, JJ.**

DATE : 29TH AUGUST, 2022.

P.C. :

1. Heard Mr. Patil, learned counsel for the petitioners. Mr. Patil has invited our attention to certain documents placed on record; firstly, page no.33, which is an extract of a document, namely, “Ferfaranchi Nondvahi (Ferfar Patrak)”, in which name of the original petitioner – Ganpati Krishna Patil (since deceased) appears having acquired his land out of Gat No.304 to the extent of 0-80 R. Then there is another document placed on record at Exhibit-B (page 35) to the petition, whereby the petitioner–Ganpati Krishna Patil, who is the original land owner, has been allotted land to the extent of 0-80 R but from Gat No.62 instead of Gat No.304. Accordingly, the land to the

extent of 0-80 R was allotted to Ganpati Krishna Patil from Gat No.62 and it is further stated in the said document that possession of the land be handed over to Ganpati Krishna Patil on 26th February 2000 by drawing necessary panchanama and by effecting necessary entries in the record.

2. Learned counsel Mr. Patil further submits that instead of handing over land to the petitioner, subsequently an order was passed on 16th January 2018 to allot the land to respondent no.4-Maruti Tukaram Farakate and respondent no.5-Bandu Tukaram Farakate. The entries accordingly recorded and copies of these documents are placed on record at Exhibit-C (page 36) and (page 38). It is also submitted by Mr. Patil that in spite of the petitioners' attempts to get the copy of an order dated 16th January 2018, the petitioners were unable to get copy of the order dated 16th January 2018, of which reference is made in the document at pages 36 and 38. Thus, Mr. Patil, the learned counsel for the petitioners submits that the respondents-State Authorities, without following the principles of natural justice as well as without following any other provisions of law, are allotting the land now to respondent nos.4 and 5. It is also submitted by Mr. Patil that an identical issue was raised before this court in a bunch of petitions. Copy of the order dated 14th August 2019 passed in the said bunch of petitions is placed on record at Exhibit-D (page 40) to the petition.

3. Mr. Patil on the backdrop of his aforesaid submissions prays for an interim order in terms of prayer clause (g) of the petition. In our opinion, Mr.

Patil, learned counsel for the petitioners has made out a case for an interim order. Accordingly, we pass the following order :-

- (i) Issue notice to the respondents, returnable on 3rd October 2022. Learned AGP waives notice on behalf of respondent nos.1, 2 and 3-State Authorities. Petitioner is permitted to serve respondent nos.4 and 5 by legally permissible modes of service.
- (ii) By way of an interim order, respondent nos.4 and 5 are directed not to create any third party interests over the property, namely, the lands, in respect of which reference is made in the documents annexed at Exhibit C (page 36) and (page 38), till the next date.
- (iii) List the Petition for further consideration on 3rd October 2022.
- (iv) Parties to act on the authenticated copy of this order.

[KISHORE C. SANT, J.]

[PRASANNA B. VARALE, J.]