

BEFORE THE MEMBER (SHRI V.K. KADAM), MAHARASHTRA
REVENUE TRIBUNAL, AURANGABAD

Revision No. 36/B/2020/L

With
Revision No. 92/B/2020/L

With
Appeal No.42/A/2020/L

Revision No. No. 36/B/2020/L

Ram Narsu Gore (died)Revision Petitioners
Through L.R's

1. Smt. Anusaya Ram Gore
Age-72 yrs, Occu-Household,
2. Bhagwat S/o. Ram Gore
Age-51 yrs, Occu-Agril
3. Pandurang S/o. Ram Gore
Age- 45 yrs, Occu-Agril
4. Smt. Surekha Ashok Gore
Age-42 yrs, Occu-Household
5. Smt. Shrutkirti Vitthal Gore
Age – 40 yrs, Occu- Household
6. Smt. Lalita Vijaykumar Jadhav
Age- 40 yrs, Occu-Household
All R/o. Wasangaon, Tq. & Dist. Latur


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V/s.

1. Damodhar Dadarao Bokade**Respondents**
Age- Major, Occu-Agril,
R/o. Wasangaon, Tq. & Dist. Latur.
2. Vitthal Damodhar Bokade
Age- Major, Occu-Agril,
R/o. Wasangaon, Tq. & Dist. Latur.
3. Prayagbai Damodhar Bokade
Age- Major, Occu-Household,
R/o. Wasangaon, Tq. & Dist. Latur.
4. Smt. Bhagyashri Ravindra Puri
(Bhagyashri Sudarshan Giri)
Age-Major, Occu-Household,
R/o. Medical College, Latur,
Tq. & Dist. Latur.
5. Smt. Jayshri Shankar Vibhute
(Jayshri Sudarshan Giri)
Age-Major, Occu-Household,
R/o. Bajaj Nagar, Waluj,
Aurangabad.
6. Smt. Vaijanta Bhagwan Bharati
Age-Major, Occu-Household,
R/o. Juna Praveshdwar, 51 PPS Colony,
Parali, Tq.Parali, Dist.Beed.

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7. Smt. Sunanda Dyanand Puri,
Age- Major, Occu-Household,
R/o. Punvarn Babanagar, Kalamb,
Tq. Kalamb, Dist. Osmanabad.
8. Smt. Mahananda Vilas Giri,
Age-Major, Occu-Household
R/o. Post Pus, Tq. Ambejogai,
Dist. Beed.
9. Smt. Meena Nandkumar Bharati
Age-Major, Occu-Household,
R/o. Post Ujani, Tq. Ambajogai,
Dist. Beed.
10. Smt. Vandana Dattu Giri
Age-Major, Occu-Household
R/o. Sarasa, Post Tandulja,
Tq. & Dist. Latur.
11. Dilip Dattu Giri,
Age-Major, Occu-Household,
R/o. Kasarkheda, Tq. & Dist. Latur
12. The Collector (Atiyat)
Tq. & Dist. Latur
13. The Sub Divisional Officer/Deputy Collector (Atiyat)
Latur, Tq. & Dist. Latur
14. The Tahsildar, Latur
Tq. & Dist. Latur.


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Shri G.V. Sukale advocate for petitioner.
Shri Kuldeep Patil advocate for respondent no. 1 to 3.
Shri D.B. Pokale advocate for respondent no. 4 to 11.

**Claim :- Revision Application u/s. 11 of Hyderabad Atiyat
Enquiries Act, 1952**

With

Revision No. No. 92/B/2020/L

1. Damodhar Dadarao Bokade**Revision Petitioners**
Age- 86 yrs, Occu-Agril,
R/o. Wasangaon, Tq. & Dist. Latur.
2. Vitthal Damodhar Bokade
Age- 61 yrs , Occu-Agril,
R/o. Wasangaon, Tq. & Dist. Latur.
3. Prayagbai W/o Damodhar Bokade
Age- 80 yrs, , Occu-Household,
R/o. Wasangaon, Tq. & Dist. Latur.

V/s.

1. Ram Narsu Gore (died)**Respondents**
Through L.R's
 - 1-a) Smt. Anusaya Ram Gore
Age-72 yrs, Occu-Household,
 - 1-b) Bhagwat S/o. Ram Gore
Age-51 yrs, Occu-Agril
 - 1-c) Pandurang S/o. Ram Gore
Age- 51 yrs, Occu-Agril

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- 1-d) Smt. Surekha Ashok Gore
Age-42 yrs, Occu-Household
- 1-e) Smt. Shrutkirti Vitthal Gore
Age – 40 yrs, Occu- Household
- 1-f) Smt. Lalita Vijaykumar Jadhav
Age- 40 yrs, Occu-Household
All R/o. Wasangaon, Tq. & Dist. Latur
2. Smt. Bhagyashri W/o Ravindra Puri
(Bhagyashri D/o. Sudarshan Giri)
Age-Major, Occu-Household,
R/o. Medical College, Latur,
Tq. & Dist. Latur.
3. Smt. Jayshri w/o Shankar Vibhute
(Jayshri D/o Sudarshan Giri)
Age-Major, Occu-Household,
R/o. Bajaj Nagar, Waluj,
Aurangabad.
4. Smt. Vaijanta Bhagwan Bharati
Age-Major, Occu-Household,
R/o. Juna Praveshdwar, 51 PPS Colony,
Parali, Tq.Parali, Dist.Beed.
5. Smt. Sunanda Dyanand Puri,
Age- Major, Occu-Household,
R/o. Punarvarn Baba Nagar, Kalamb,
Tq. Kalamb, Dist. Osmanabad.


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6. Smt. Mahananda Vilas Giri,
Age-Major, Occu-Household
R/o. Post Pus, Tq. Ambejogai,
Dist. Beed.
7. Smt. Meena Nandkumar Bharati
Age-Major, Occu-Household,
R/o. Post Ujani, Tq. Ambajogai,
Dist. Beed.
8. Smt. Vandana Dattu Giri
Age-Major, Occu-Household
R/o.Sarasa, Post Tandulja,
Tq. & Dist. Latur.
9. Dilip Dattu Giri,
Age-Major, Occu-Household,
R/o. Kasarkheda, Tq. & Dist. Latur
10. The Collector (Atiyat)
Tq. & Dist. Latur
11. The Sub Divisional Officer/Deputy Collector(Atiyat)
Latur, Tq. & Dist. Latur
12. The Tahsildar, Latur
Tq. & Dist. Latur.

Shri Shrikant Patil advocate for petitioner.

Shri G.V. Sukale advocate for L.R's of Respondent no.1.

Shri D.B. Pokale advocate for respondent no. 2 to 9.

Conceded

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With
Appeal No.42/A/2020/L

1. Smt. Bhagyashri W/o Ravindra Puri**Appellant**
(Bhagyashri Sudarshan Giri)
Age-55 yrs , Occu-Service
R/o. Latur, Tq. & Dist. Latur.
2. Smt. Jayshri Shankar Vibhute
Age-53 yrs, Occu-Household,
R/o. Bajaj Nagar, Waluj,
Aurangabad.
3. Smt. Vaijanta Bhagwan Bharati
Age-57 yrs , Occu-Household,
R/o. Parali, Tq.Parali, Dist.Beed.
4. Smt. Sunanda Dyanand Puri,
Age- 55 yrs , Occu-Household,
R/o. Kalamb,
Tq. Kalamb, Dist. Osmanabad.
5. Smt. Mahananda Vilas Giri,
Age-55 yrs , Occu-Household
R/o. Pus, Tq. Ambejogai,
Dist. Beed.
6. Smt. Meena Nandkumar Bharati
Age-53 yrs , Occu-Household,
R/o. Post Ujani, Tq. Ambajogai,
Dist. Beed.

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7. Smt. Vandana Dattu Giri
Age-51 yrs , Occu-Household
R/o.Sarsa, Post Tandulja,
Tq. & Dist. Latur.
8. Dilip Dattu Giri (died)
Through his L.R's
8-a) Ganesh Deelip Giri
Age-30 yrs , Occu-Agril
- 8-b) Govind Deelip Giri
Age 28 yrs, Occu- Agril,
- 8-c) Nagesh Deelip Giri
Age -25 yrs, Occu-Agril,
All R/o. Kaarkheda, Tq. & Dist. Latur
9. Sunanda D/o. Vilas Giri
Age – 47, Occu-Household,
R/o. Pus Tq. Ambajogai, Dist. Beed.
- Through all their GPA holder,
Santosh S/o. Anand Kadam
Age- 28 yrs, Occu-Agril & Business
R/o. Moti Nagar Latur, Tq. & Dist. Latur.

V/s.

1. Damodhar Dadarao Bokade**Respondents**
Age- 80 yrs, Occu- Agril,
2. Vitthal Damodhar Bokade
Age- 55 yrs, Occu-Agril,

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3. Prayagbai Damodhar Bokade
Age- 75 yrs, Occu-H.H.

4. Ram Narsu Gore (died)
Through his L.R's

4-a) Smt. Anusaya Ram Gore
Age-72 yrs, Occu-Household,

4 -b) Bhagwat S/o. Ram Gore
Age-51 yrs, Occu-Agril

4 -c) Pandurang S/o. Ram Gore
Age- 45 yrs, Occu-Agril

4-d) Smt. Surekha Ashok Gore
Age-42 yrs, Occu-Household

4-e) Smt. Shrutkirti Vitthal Gore
Age – 40 yrs, Occu- Household

4-f) Smt. Lalita Vijaykumar Jadhav
Age- 40 yrs, Occu-Household
All R/o. Wasangaon, Tq. & Dist. Latur

Shri D.B. Pokale advocate for appellants.

Shri Shrikant Patil advocate for respondent no. 1 to 3

Shri G.V. Sukale advocate for respondent no.4.

**CLAIM : - Under Section 2(A) of Hyderabad Abolition of Inam
Cash Grands Act, 1954.**

Accused
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: JUDGEMENT :
(Delivered on 18/11/2022)

1. Being aggrieved and dissatisfied by the judgment/order passed by Collector (Atiyat) Dist.Latur in Case No. 2019/Atiyat/ CR-19 dated 23/12/2019 the present revisional petitioner Ram Narsu Gore preferred revision petition on the grounds that the order under challenged is against the principles of natural justice, equity and good conscience on merit. The order under challenged is without considering documentary evidence which is on record. Both the lower authority ought to have considered that the suit land survey no.10 admeasuring 24 Acre 33 gunthas was Inam land and was in possession of the Ramgir Maharaj Math, the said entry was recorded in Pakka Book, Shetwar Patrak & Pahani Patrak. Both lower authorities ought to have considered that the alleged sale deed executed on 14/04/1975 is false and bogus. The alleged sale deed were executed by Sudarshan Gir & Dattu Gir and on that day they were not the owner of the suit land, the lower authority ought to have considered that the Hon'ble High Court in Writ Petition No. 1956/2016 and in Writ Petition No. 11075/2019 directed to the authorities to decide the application under the provisions of Hyderabad Atiyat Enquiries Act. Therefore question does not arise to decide the same under the provisions of Hyderabad Inam Abolition and Cash Grants Act. Both the lower authorities while passing the impugned order made observations that the said land is Inam land and allotted by the then Nizam Government to Govindgir which received to Ganeshgir

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by way of heir ship but while recording the name the Virasat has not been sanctioned in favour of Ganeshgir as per provisions of Hyderabad Atiyat Enquiries Act 1952. Further after death of Ganeshgir the Virasat has not been sanctioned to his legal heirs namely Sudarshangir & Dattugir. Further there was no any right to the holder of the said land to transfer the Inam land therefore the Collector came to the conclusion that the transfer the present Inam land by Sudharshangir and Ganeshgir to the present respondent no. 1 to 3 Damodhar Rokade and others are without having any legal right. Despite those observations the Ld. Deputy Collector (Atiyat) passed arbitrary order transferring the proceeding to the appropriate authority. After passing the order dated 14/05/2019 the applicant approach to the Hon'ble High Court has specifically mentioned in order that Section 8 of Hyderabad Atiyat Enquiries Act 1952 provides for statutory remedy before Ld. Collector (Atiyat) therefore question does not arise to treat objection of present respondent no.1 under the provisions of Hyderabad Inam Abolition Cash Grants Act. In spite of directions of Hon'ble High Court in Writ Petition No. 11075/2019 lastly the revisional petitioner Ram Narsu Gore prayed to quash and set aside the order passed by respondent no.12 in case no. 2019/Atiyat/CR-19 dated 23/12/2019.

2. The respondent Damodhar Dadarao Bokade and others have appeared and resisted the revision application.
3. The respondent Damodhar Dadarao Bokade has also preferred revision petition no. 92/B/2020/L on the various grounds that he has purchased the suit land by different two sale deeds in the year 1974-75

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in respect of 19 acres 10 gunthe the said is not Inam land he has purchased the suit property from its original owner so the provisions under Hyderabad Atiyat Enquiries Act or any law applicable to the land which is not Inam land. It is submitted that the impugned order is outcome of an application made by Ram Narsu Gore to the Collector Latur seeking cancellation of mutation entry no.409 & 410 in favour of the Damodhar Bokade with further prayer for effecting mutation entry in favour of the trust which is not in favour of the trust which is not in existence claiming to be trustee of the said trust. It is important to note that not only Civil Court but the authorities under the Bombay Public Trust Act including District Court Latur and Hon'ble High Court Aurangabad held that Ramgir Maharaj Math Sansthan is not a public or charitable trust of the dispute land is not the property of the said alleged trust. The respondent Damodhar Bokade further contended that Ram Narsu Gore approach to the Collector by way of application dated 03/08/2012 thereby contending that land gut no. 9 part of survey no.10 to the extent of 5 hectare 31 R is service Inam land and it is needs to be recorded revenue record in the name of Ramgir Maharaj Math Sansthan. It is further submitted that the said land is purchased by Damodhar Bokade through register sale deed dated 02/05/1974 and 14/04/1975 without permission from the appropriate authority and hence said transactions is void inview of Government Circular dated 30/07/2010 and therefore mutation entries bearing no.409, 410 dated 17/08/1975 be quashed and set aside. It is further submit that Damodhar Bokade has filed Civil Suit No. 438/2008 the said suit have

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been dismissed, there was no succession proceeding in favour of the legal representatives of the holder. It is further submitted that the order passed by Atiyat Collector Latur is contrary to law as it is passed beyond the scope of the application itself and the application itself is not tenable before the said authority. The impugned order is passed in ignorance of law that the order of Civil Court would prevail over Revenue Court and whenever rights to the parties and subjudice before the Civil Court than the Revenue Court should stay away their hands from dealing with the issue between the said parties. Lastly he prayed to quashed and set aside the order passed by Collector (Atiyat) dated 23/12/2019 to the extent of Clause 5 & 7 of operative part in the said order.

4. The appellant in appeal no. 42/A/2020/L preferred this appeal against the common order passed by Collector (Atiyat) Latur dated 23/12/2019 and the came with the case that they are the legal heirs and successors of deceased Sudarshangir and Dattugir the successor of original Munthkhab holder. The sale deed executed by Sudarshangir and Dattugir in favour of the respondent Damodhar Bokade are illegal and void as Sudahrshangir and Dattugir have executed sale deed after consuming illicit liquor the present appellant in appeal no. 42/A/2020/L being the successors are entitled for the sui t property, order of Collector Latur is totally wrong against the provisions of law and directions of the Hon'ble High Court and other decisions so same is required to be set aside lastly they prayed to allow the appeal and

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quashed and set aside the order of Collector (Atiyat) Latur dated 23/12/2019.

5. Heard the Ld. advocate Shri G.V.Sukale for the revisional petitioner Ram Narsu Gore. Shri S.K. Patil the Ld. advocate for respondent Damodhar Dadarao Gore and others. Heard Shri D.B. Pokale advocate for appellant in appeal no. 42/A/2020/L in considerable length. 6.
6. On the submissions advanced by both the parties. The following points arise for my determination and my findings are given against each point for the reasons below.

Sr.No.	Points	Findings
1	Whether judgment and order passed by Collector (Atiyat) Latur in case no. 2019/Atiyat/CR-19 dated 23/12/2019 & order passed by Sub Divisional Officer/Deputy Collector (Atiyat) Latur dated 14/05/2019 in case no. 2019/Jamabandi/Atiyat/CR-2001 is proper, legal and maintainable in the eyes of law?	No
2	Whether the interference at the hands of this Court/Tribunal is warranted in the judgment and order passed by Collector (Atiyat) Latur in case no. 19/Atiyat/CR-19 dated 23/12/2019 & order passed by respondent no. 13 i.e. Sub Divisional Officer/Deputy Collector (Atiyat) Dist. Latur in case no. no.2019/Jamabandi/Atiyat/CR-01?	Yes
3	What order?	As per final order

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For the reasons below-

As to point no.1 & 2

7. The point No.1 & 2 are being interlinked there for it can be dealt by giving common reasons. It is a case of the revisional petitioner Ram Narsu Gore that the suit land is Inam land which was given to the Ramgir Maharaj Math by the then ruler vide Munthkhab no.31561/21998 in the year 1290 fasli for rendering the services to the Khandgir Sansthan Samadhi. Subsequently the land which is given to Govindgir Maharaj is numbered as survey no. 10 & 10/1. The suit land survey no. 10 and now gut no. 9 & 10 admeasuring 24 acre 33 gunthe was in cultivation by Ramgir Maharaj Math and the present applicant i.e. Ram Narsu Gore has follower and devotee of Ramgir Maharaj and the suit land was Inam . It is further submitted that considering the social and religious work Nizam Government has allotted said land admeasuring 24 acre 33 gunthas to the said Math and recorded the name of Govindgir. Thereafter Ganeshgir and Govindgir recorded the name of Ramgir Maharaj Math. He further submit that the name and the area of Inam land admeasuring 24 acre 33 gunthe was shown in Pakka book, Khasara patrak & Pahani patrak in the name of Govindgir, Ganeshgir in 1328 fasli. In the said document the initial area was shown 24 acre 33 gunthe the petitioner has produced the copy of khasra patrak, pahani patrak, copy of pakka book and copy of Shetwar patrak, copy of 7/12 extract for year 1960-61.

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8. On going through the copy of Khasra Pahani Patrak, Pakka Book, copy of Shetwar Patrak. It reveals that the survey number of the suit land is 10 & the area of suit land is 24 acre 33 gunthe and the said survey no.10 admeasuring 24 acre 33 gunthe is Inam land the name of Ganeshgir, Govindgir have been mentioned as a Inam dar. It is further mentioned that Ganeshgir, Govindgir old possessor (जुना कब्जेदार/इनामदार). On perusal of the Shetwar Patrak also the land survey no. 10 is Government land (सरकारी) the names of Govindgir, Ganeshgir have also mentioned and the area mentioned 24 acre 33 gunthe thereafter it has been scored 13 acre 30 gunthas, on perusal of 7/12 extract the name of Ganeshgir, Govindgir is mentioned as possessor (कब्जेदार) and land survey no. 10 area shown 24 acre 18 gunthe & potkharab 15 gunthe total area shown as 24 acre 33 gunthe, the copy of 7/12 extract are of the year 1960-61-62.
9. It is submitted by Shri Sukale advocate for the petitioner Ram Narsu gore that the Deputy Collector in file No. 2012/Inam /चौकशी/जमाबंदी/कावी-1772 is observed that the suit land survey no. 10 now gut no. 9 & 10 is the Inam land and the sale deeds in favour of respondent Damodhar Bokade are illegal, he has set aside the Mutation Entry No. 409,410 which were sanctioned in the name of Damodhar Bokade. He further submit that the Sub Divisional Officer Latur in file No. 2019/जमाबंदी/अतियात/सीआर-01 had also observed that the land old survey no.10 admeasuring 24 acre 33 gunthe is Inam land. He further submit that as per the provisions of under section 5

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& 6 Hyderabad Atiyat Enquiries Act the property cannot be transferred as the suit land is Inam land granted to the Ramgir Maharaj Math Sansthan by Nizam Government.

10. On the contrary Shri Shrikant Patil advocate for the respondent Damodhar Bokade and the petitioner in Petition No. 92/B/2020/L submitted that the suit land is not Inam land the respondent Damodhar Bokade has purchased the suit land twice in the year 1974-1975, his name has been mutated vide mutation entry no.409,410 to the Revenue record, Damodhar Bokade has purchased the land from original owner Dattugir & Sudarshangir. The present petitioner has no locus standi to initiate the proceedings without authority, he has initiated several proceedings, he has initiated the proceeding being a trustee, he has filed application for registration of trust consequence to that registration of the disputed land as a trust property in Schedule-I the said application registries enquiry no. 361/82 which is allowed by Assistant Charity Commissioner Latur appeal has been preferred by petitioner bearing no. 83/1984 which is rejected by the Joint Charity Commissioner, Latur. Therefore Appeal preferred by petitioner under Section 72(1) Bombay Public Trust Act before District Court Latur said appeal has been allowed and remanded back the matter for fresh enquiry to Assistant Charity Commissioner, Latur. He further submit that the said proceeding has been confirm up to the High Court in favour of Damodhar Bokade and the said trust has been rejected by the Hon'ble High Court the registration of trust has been refused and disputed land does not

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belongs to trust. Shri Patil further submit that the Civil proceeding had also initiated by Shri Ram Narsu Gore R.C.S. No. 438/2008 for declaration of ownership over the Bokade's land, the said suit has been dismissed on 30/11/2009, the another suit have been filed by the L.R's of Munthkhab holder i.e. appellants in appeal no.42/A/2020/L bearing R.C.S.No.383/2007, the said suit has been dismissed on 18/09/2019 the present petitioner Ram Narsu Gore has preferred Civil Appeal No. 553/12 against the judgment and order in Civil Suit No.438/2008 the same appeal has been dismissed the finding of Civil Court against the Ram Narsu Gore and legal heirs of Munthkhab holder and still intact, he further submit that the respondent no. 2 to 9 i.e. appellants in appeal no. 42/A/2020/L and the present petitioner Ram Narsu Gore have no any legal right to challenge the proceeding, the suit land survey no.10 now gut no.9 & 10 is not Inam land the sale deeds in favour of Damodhar Bokade are legal, there was not succession proceedings in favour of the legal representatives of holder, he further submit that as per the order of Hon'ble High Court in Writ petition no. 1965/2016 the High Court has directed the enquiry under Section 8 of Hyderabad Atiyat Enquires Act 1952, he further submit that suit land is private land. The provisions under Atiyat Act or any other Law is not applicable. The petitioner Ram Narsu Gore has filed application dated 03/08/2012 and in the light of above facts it is pertinent to note that order passed over application dated on 03/08/2012 preferred by Ram Narsu Gore on 30/09/2015 is set aside in appeal preferred by petitioners in Atiyat

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Court Collector Latur. However matter was remanded back to the Deputy Collector Atiyat Latur unnecessarily and the Deputy Collector again forwarded dispute to the Atiyat Collector Latur for his decision. The Atiyat Collector Latur pursuant to the letter dated 22/07/2019 issued by the Deputy Collector Latur started enquiry under Section 2A of Hyderabad Atiyat Enquiries Act 1952 and concluded by passing impugned order directing 11 acre 10 gunthas land out of dispute land be recorded in the name of Ramgir Maharaj Math Sansthan and the Tahsildar ordered to take the possession of the said land for given on yearly basis for cultivation that the order is illegal.

11. Shri D.B. Pokale advocate for the appellant in appeal no. 42/A/2020/L and the legal heirs of original Munthkhab holder submitted that the suit land is Inam land and the appellants i.e. respondent no. 2 to 9 are the legal heirs of Munthkhab holder the sale deed executed by Dattugir, Sudarshangir in favour of Damodhar Bokade are illegal, Dattugir and Sudarshangir have executed the sale deed after consuming illicit liquor they are the successors and under Section 3 of Hyderabad Atiyat Enquiries Act, they are having right over the suit property so they have challenge the order passed by Collector Atiyat Latur dated 23/12/2019.
12. On going through entire submissions advanced by all parties pleading and documentary evidence, it reveals that the land survey no.10 admeasuring 24 acre 33 gunth was Inam land of Ramgir Maharaj Math Sansthan, Wasangaon. Munthkhab was granted in the name of Govindgir, Ramgir, Ganeshgir, Khandgir by Nizam

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Government there are the entries regarding the Inam land in Inam patrak namuna no.9, khasra pahani patrak 1945-46 and the Munthkhab these are the ancient document it is crystal clear that the suit land survey no.10 admeasuring 24 acre 33 gunthe are Inam land Sudarshan & Dattugir have executed sale deed in favour of respondent Damodhar Bokade and comitted the breach of condition of Munthkhab it is service Inam for the purpose for rendering services to the Ramgir Maharaj Math Sansthan the land has been allowed. As per section 5 of Hyderabad Atiyat Enquiries Act. The consequences of breach of conditions has been given for the breach of condition contained in Munthkhab or in Vasika relating to Atiyat Grant or for other sufficient cause the Government after giving an opportunity to the holder of the Atiyat Grant to be heard may by order resume the grant or modify the terms and conditions specified in any Munthkhab herein matter after breach of condition of Munthkhab the concerned authority has to take the action but no any action has been taken by the Atiyat authority.

13. As per the Section 6 of the Hyderabad Atiyat Enquiries Act there is prohibition of alienation or encumbrance & exemption attachment by Court. Atiyat Grants shall not be liable to be transfer or encumbered in any manner or to any extent whatsoever and it shall not be lawful for any Court to attach or sale any Atiyat Grant or any portion or share thereof.

14. So it is crystal clear that the sale deed executed by Sudharshangir and Dattugir in favour of Damodhar Bokade is without

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permission of concerned authority. By committing breach in the condition of Munthkhab and by alienating the suit property the legal heirs of original Munthkhab holder no right in the suit property.

15. The Ld. advocate Shri Patil for the respondent Damodhar Bokade and petitioner in petition no.92/B/2020/L has submitted that the petitioner Ram Narsu Gore has no locus standi to make the application dated 03/08/2012 as the Ram Narsu Gore has not authorized person of Ramgir Maharaj Math Sansthan. He further submit that the trust has been rejected by A.C.C. thereafter District Court Latur and same orders have been intact to the Hon'ble High Court. In this regard Shri Sukale advocate for petitioner Ram Narsu Gore has submitted that petitioner is follower and devotee of Ramgir Maharaj and the suit land was Inam. Any citizen of India can make the application for recording the name of Ramgir Maharaj Math Sansthan to the Revenue record. On going to the rival submissions it appears that Ram Narsu Gore the petitioner has no personal interest in the suit property but being a follower and devotee of Ramgir Maharaj Math Sansthan any one can make the application and restrained the illegal activities going on. Nobody become the silent spectators. On going through the ancient documentary evidence i.e. Pahani Partak, Pakka Book, Khasra pahani Patrak, Shetwar Patrak, copy of 7/12 extract of the year 1960-61 and Munthkhab, it is crystal clear that suit land survey no.10, new gut no. 9,10 is inam land only. The petitioner Ram Narsu Gore is the follower and devotee of Ramgir Maharaj Math Sansthan the respondent no. 1 i.e. Damodhar Bokade

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is unauthorized purchaser of the suit property. There is no permission of competent authority for registration of the sale deeds. It is so the sale deeds are in effective in view of the Government Circular dated 30/07/2010. The mutation entry no. 409,410 in the name of respondent Damodhar Bokade are also in effective.

16. Further it appears that Munthkhab Holder has committed the breach under section 5 & 6 of Hyderabad Atiyat Enquiries Act so now the Munthkhab holder successors have no voice or legal right in the suit property already it has come on record that the trust proceedings have decided against the petitioner Ram Narsu Gore likewise the Civil Court proceeding are decided against the petitioner Ram Narsu Gore and the successors of Munthkhab holder (Respondent no. 2 to 9 and the appellant in appeal no. 42/A/2020/L). Being a follower and devotee petitioner Ram Narsu Gore is having right to make the complaint/application however the different authorities have decided different matter as per their whims, they have not considered voluminous and old documents i.e. Pahani Patrak, Pakka Book, Khasra Pahani Patrak, 7/12 extract and came to the erroneous conclusion. There is no any verdict of the Hon'ble High Court under the Hyderabad Atiyat Enquiries Act 1952 only the Hon'ble High Court has directed the lower authority to make enquiry under section 8 of Hyderabad Atiyat Enquiries Act. Considering these grounds it appears that the order passed by Collector Atiyat, Dist. Latur in case no. 2019/Atiyat/CR-19 dated 23/12/2019 and order passed by Sub Divisional Officer/Deputy Collector Atiyat Dist. Latur in case

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no.2019/जमाबंदी/अतियात/सिआर-01 is not proper, legal and maintainable in the eyes of law. The interference at the hands of this Court/Tribunal is warranted in the aforesaid orders. I therefore answer to point no. 1 is in the negative and the point no. 2 in the affirmative.

17. In the result, I pass following order.

ORDER

1. The Revision No. 36/B/2020/L is here by allowed.
2. The Revision No. 92/B/2020/L & Appeal No. 42/A/2020/L are here by dismissed.
3. The judgment and order passed by Collector Atiyat, Tq. & Dist. Latur in case no. 2019/अतियात/सिआर-19 dated 23/12/2019 & order passed by Sub Divisional Officer/Deputy Collector (Atiyat) in case no. 2019/जमाबंदी/अतियात/सिआर-01 are here by quashed and set aside.
4. The judgment and order passed by Sub Divisional Officer in file No. 2012/इनाम/चौकशी/जमा/कावि-1772 dated 30/09/2015 is here by confirmed.
5. Tahsildar Latur is here by directed to proceed under Section 5 of the Atiyat Enquiries Act, 1952.
6. No order as to costs.
7. The copy of this judgment be kept with revision petition No.92/B/2020/L and appeal No.42/A/2020/L.

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8. The record and proceeding be sent to the concerned authority immediately.

Place : Aurangabad
Dated : 18/11/2022

V.K. Kadam
18.11.2022
(V.K. Kadam)
Member,
Maharashtra Revenue Tribunal,
Mumbai.