

**BEFORE THE MEMBER, MAHARASHTRA REVENUE
TRIBUNAL, AURANGABAD**

Case No.76-A-2014-Osmanabad

Sayyad Abdul Rahim Ismail

Age : 51 years, Occu : Agri. And Labourer

R/o Naldurga Tq.Tuljapur Dist.Osmanabad.

-- Appellant

V/s

1. The Additional Collector, Osmanabad

2. Baburao Sopan Gaikwad

Age : years, Occu : Retired

R/o Chikundra Tq.Tuljapur Dist.OSmanabad

-- Respondents

**Claim : Appeal U/S 33 of Maharashtra Agricultural Lands (Ceiling
On Holdings) Act, 1961**

Shri.A.T.Ghute advocate for appellant.

Shri. R.S.Pahadiya AGP for respondent no.1

Shri.N.J.Patil advocate for respondent no.2

31-1-2023

**CORAM : Hon`ble Shri.V.K.KADAM, Member
Maharashtra Revenue Tribunal, Aurangabad.**

JUDGEMENT

(Delivered on 31.01.2023)

1. Being aggrieved & dissatisfied with the judgment & order passed by the Additional Collector Osmanabad dated 10.11.2014 in file no.2012/SA.PRA/Bhusu-2/CR/70. The appellants preferred this appeal on the following grounds.
2. The order dated 10.11.2014 passed by Additional Collector Osmanabad is totally illegal, erroneous and bad in law. The impugned order under challenged are against the facts, record of the case. The said order is not proper, legal and maintainable in the eyes of law. He prayed to allow the appeal.
3. The respondents appeared and resisted the appeal contending that the order passed by Additional Collector Osmanabad dated 10.11.2014 in file no. 2012/SA.PRA/Bhusu-2/CR/70 is proper, so the no interference is required.
4. Heard the Id.advocate Shri.Amit Ghute for the appellant and Shri.N.J.Patil advocate for respondent no.2 and Shri.R.S.Pahadiya AGP for respondent no.1. It is submitted that the appellant has purchased the land Gut no.59/02 at Mauje Naldurg Tq.Tuljapur. The respondent has agreed and sold some portion of land that is 1 H. 26 R for Rs.1,25,000/- and executed the sale deed.
5. It is submitted by appellant that the land purchased by appellant is the sanction is to be taken for the purchase of the land, which is allotted under the Maharashtra Agricultural Land

Deedmy
31-1-2023

(Ceiling on Holdings) Act 1961. As the land is allotted to his vendor under provisions of the said Act. So the appellant approached to the Additional Collector Osmanabad and filed application for regularizing the sale deed of land Gut no.59 admj. 1 H. 26 R, which is executed in his favor by respondent no.2 on 28.05.2002.

6. The respondents have submitted that the land purchased by appellant is without sanction of the Collector. So the order passed by Additional Collector Osmanabad dated 10.11.2014 is proper and legal.
7. In support of the contention of appellant, the appellant has produced the Government Resolution dated 15.12.2018 as well as 27.05.2019. On going through it reveals that the sale deed can be regularize by making payment of 50% of the market value of the property. So the order passed by Additional Collector Osmanabad is liable to be set aside.
8. In the result I proceed to pass the following order.

: ORDER :

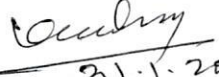
1. The appeal is partly allowed.
2. The order passed by Additional Collector Osmanabad dated 10.11.2014 in file no.2012/SA.PRA/Bhusu-2/CR/70 is here by quashed and set aside.
3. The Id. Authority shall act in tune with government notification dated 15.12.2018 as willingness to remit the necessary charges was shown by the present appellant.
4. The Additional Collector Osmanabad shall act as per the directions of government directives and regularize the purchase transaction of the appellant in accordance with law.

Aravind
31-1-2023

5. The appellant to appear before the Tahsildar / Additional Collector Osmanabad on or before 24.02.2023.
6. No order as to cost
7. Record and proceedings be sent to concern authority immediately.

Place : Aurangabad

Dated : 31.01.2023


(V.K.Kadam)
31.1.2023

**Member,
Maharashtra Revenue Tribunal,
Aurangabad.**