
Ramesh and Others Vs State of Maharashtra and Others

Writ Petition No. 1857 of 1998

Court: Bombay High Court (Nagpur Bench)

Date of Decision: March 12, 2015

Acts Referred:

Constitution of India, 1950 - Article 14, 226, 39(b)#Maharashtra Land Revenue Code, 1966 - Section 20, 40

Citation: (2015) 6 ABR 281 : (2015) 4 ALLMR 752 : (2015) 6 MhLj 41

Hon'ble Judges: A.P. Bhangale, J.; B.P. Dharmadhikari, J.

Bench: Division Bench

Advocate: C.S. Kaptan, Senior Advocate and R.S. Kalangiware, for the Appellant; N.S. Khubalkar, AGP, Advocates for the Respondent

Final Decision: Partly Allowed

Judgement

B.P. Dharmadhikari, J.

By this petition filed under Article 226 of the Constitution of India, petitioners question the order dated 24-4-1998

passed by the respondent no. 1, State of Maharashtra directing respondent no. 4, Collector, Amravati to handover possession of land to

respondent no. 2, educational society. Subsequent order dated 27-4-1998 passed by the respondent no. 4 in obedience thereto handing over

possession in advance to said respondent is also questioned. The petition has been amended later on seeking the direction to the State Government

to take back said land and to direct the respondent no. 1 not to handover any government land in Municipal area of Chikhaldhara to any private

institution in order to protect natural beauty of that place.

2. Before proceeding further, it is to be noted that this Court initially issued notice in the matter on 26-6-1998 and on that day, granted ad-interim

relief whereby effect and operation of orders mentioned supra came to be stayed. Rule has been issued in the matter on 2-2-2000 and the interim

order already granted has been continued.

3. The petitioners point out that they are residents of Chikhaldhara within limits of Hill Station Municipality and claim that they are social workers.

They point out that the land admeasuring 4.50 Hectares forming part of Plot No. 7 of Sheet No. 2 at Chikhaldhara is delivered in possession of

respondent no. 2. According to them, the allotment is on account of political influence of respondent nos. 2 and 3 and in breach of provisions of

the Maharashtra Land Revenue Code or Land Disposal Rules framed thereunder as also in violation of Article 14 of the Constitution of India.

They submit that initially, respondent no. 2 applied on 21-6-1996 and claimed Plot Nos. 21 and 25 of Sheet No. 2 for the purpose of starting a

degree college. On 25-8-1996, general body of Municipal Council, Chikhaldhara had passed the resolution to protect the environment and nature

at Chikhaldhara and protested against such grant and resolved not to grant any such lands at Chikhaldhara. The respondent no. 2 got affiliation from

Amravati University on 25-10-1996. In the meanwhile, because of influence of respondent no. 3, who then was Guardian Minister of Amravati

District and belonged to a particular political party, the respondent no. 2 got order of possession of Plot No. 7 when its proposal was under

consideration. On 24-4-1998, the State Government directed delivery of advance possession of said land to respondent no. 2. After receipt of this

direction dated 24-4-1998, on 27-7-1998, respondent no. 4, Collector wrote a letter to respondent no. 5, Tahsildar, Chikhaldhara and directed

him to place respondent no. 2 in possession.

4. Petitioners stated that they had complained to Collector on 17-5-1998 about this high handed and illegal action. They submit that because of

order passed by this Court on 26-6-1998, the land is maintained in same position and is still available as itself. They relied upon the judgment of

Hon"ble Apex Court in the case of Akhil Bhartiya Upbhokta Congress Vs. State of Madhya Pradesh and Others, , particularly, paragraph nos.

65, 68, 71 and 80 to submit that such an allotment privately without allowing the general public to participate in the process is unconstitutional and

cannot be sustained. It is further submitted that the records in the office of the Collector show that on 20-12-1997, Deputy Collector had asked

Tahsildar to do needful i.e. to allot land to respondent no. 2. The said communication mentions name of respondent no. 3. Pleadings in writ petition

added by amendment are also pressed into service. Respondent no. 3, at the relevant time, apart from being Guardian Minister was also a Minister

for State for Revenue and he misused his office to procure land for respondent no. 2, society. The Deputy Collector, therefore, indirectly asked

Tahsildar to abide by the communication/request of Guardian Minister. The office nothings dated 13-4-1998 is also relied upon to submit that

Guardian Minister directed handing over of possession and Collector moved immediately on 15-4-1998. The impugned order dated 24-4-1998

was passed within ten days thereafter. It is further submitted that the Joint Director of Education vide letter dated 7-6-1998 had informed that the

respondent no. 2, society was one year old and was not having any standing so as to assess its previous performance or reputation. It is claimed

that because of influence of Guardian Minister, all these notings were ignored. It is also pointed out that Collector had proposed grant of land to

respondent no. 2 on making payment of Rs. 24,62,500/-. The Sub Divisional Officer recommended grant of only 2 Acres and Collector proposed

handing over of land to 2.50 Hectares. In spite of this, an order for handing over possession of 4.5 Hectares of land came to be passed.

Submission is thus, excess land has been allotted or delivered in possession of respondent no. 2.

5. Our attention has been drawn to Rule 5 and 6 of Land Disposal Rules framed under the Maharashtra Land Revenue Code. It is submitted that

though Collector has recommended revenue free grant, as the value worked out is in excess of Rupees Twenty Four Lacs, Collector has no

jurisdiction. The relevant paragraphs in reply are also pressed into service to urge that the allegations of influence of respondent no. 3 are not

seriously in dispute.

6. It is submitted that allotment of government land can be made in present situation only by the State Government and for that as per Business

Rules, particularly, Rule 9 read with second schedule thereof, the proposal ought to have been placed before the State Cabinet. That was never

done and as such, there is no allotment in favour of respondent no. 2 till date. Judgment delivered by the Hon"ble Apex Court in the case of

Rajureshwar Associates Vs. State of Maharashtra and Others, is relied upon to buttress this contention.

7. Inviting attention to additional affidavit filed on behalf of respondent no. 2 on 25-2-2015, learned Senior Counsel Shri Kaptan submitted that,

instances of allotment, pointed out therein, only show further illegalities and same, therefore, cannot constitute a valid precedent for consideration in

present challenge.

8. Shri Khapre, learned counsel for respondent no. 2 invites our attention to judgment in the case of Akhil Bhartiya Upbhokta Congress Vs. State

of Madhya Pradesh and ors. (supra). He relies upon paragraph 67 and 69 therein for the purpose of distinguishing it. According to him, said

judgment does not lay down that allotment must be by following norm of issuing advertisement. He contends that it only stipulates that equally

situated persons must be given equal opportunity. He has invited our attention to the said policy as is evident from Government Resolution dated

17-6-1995. According to him, at that time, the State Government found that there were nine Tehsils in the State of Maharashtra where not a single

degree college was available and hence Special concession and treatment was extended to establish such colleges. In pursuance of said policy

dated 17-6-1995, the respondent no. 2 got college on 28-5-1996. He submits that petitioners have not challenged this policy of the Government

or then grant of college to respondent no. 2. By placing reliance on judgment of Hon"ble Apex Court in the case of Ram Krishna Dalmia Vs. Shri

Justice S.R. Tendolkar and Others, , it is urged that in this situation, respondent no. 2 constitutes a class by itself and as such, the decision by State

Government to allot land to it at Chikhaldara cannot be assailed on the ground of violation of Article 14 of the Constitution of India. He points out

relevant developments to show how ultimately respondent no. 2 applied for Plot No. 7. Attention is also invited to the letter dated 15-4-1998 by

which Collector, Amravati sent the proposal for allotting said land under Rules 5 and 6 read with Rule 35 of Land Disposal Rules at nominal

charge of Rs. 1/- at annual rent for the period of 30 years to State Government.

9. Our attention is also invited to the fact that on 16-3-1998, Plot Nos. 21 and 25 at Chikhaldara have been allotted to a private education society

by name Navjeevan Society for establishing a military school and petitioners have not assailed that grant. He further submits that another institute

has been given land adjacent to said Plot No. 7 and forming part of Plot No. 7 only in 2008. Order of Commissioner, Tribal Development issued

in March, 2005 allotting 21,534 sq.m. land to Eklayva Residential School and order dated 12-1-2007 permitting it to cut ten trees and order

dated 8-12-2008 of taking over the school and hostel building of said society are also relied upon to contend that petitioners have approached this

Court only out of political vengeance.

10. Paragraph No. 1 in writ petition is read out to show the political inclination of petitioners. Learned counsel for the respondent no. 2 submits

that when decision to allot land to respondent no. 2 was taken, there was the Government of rival party (BJP). In 1983, when the basic decision

was taken by the State Government, the said Government was headed by the political party of petitioners. Learned counsel has invited our

attention to relevant pleadings contained in reply for said purpose.

11. Learned counsel for respondent no. 2 relied upon Section 40 of the Maharashtra Land Revenue Code to point out absolute power with State

Government to deal with lands which vest in it under Section 20 thereof. In this background, the provisions of Rule 5 and 6 as also Rule 14, 24,

32, 35 and 36 are relied upon to show that the restrictions placed by the Land Disposal Rules on powers of Collector cannot be read and applied

when Government exercises its power under Section 40. The learned counsel submits that since 8-2-1983, there is a policy of the State

Government to allot lands to such institute and that policy is in terms of Maharashtra Land Revenue Code and 35(2) of the Land Disposal Rules.

Our attention has also been drawn to the provisions of Article 39(b) of the Constitution of India to submit that in furtherance of said directive

principle, when the power is exercised, it is in public good and, therefore, no challenge can be raised to it except on the ground of malafides.

12. The judgment of Hon"ble Apex court in Akhil Bhartiya Upbhokta Congress Vs. State of Madhya Pradesh and ors. (supra) is also sought to be

distinguished by submitting that here when there is only one college in Tahsil, there is no question of any other person similarly situated or placed

and hence, Article 14 has no application.

13. Learned counsel for respondent no. 2 also submits that policy of Government was well known and petitioners or any other person did not find

it proper to apply in response thereto As such, they cannot assail the grant of land to the respondent no. 2. The judgment of Hon"ble Apex Court

in the case of Kasturi Lal Lakshmi Reddy, Represented by its Partner Shri Kasturi Lal, Jammu and Others Vs. State of Jammu and Kashmir and

Another, is relied upon to show that there the allotment of lands without advertisement has been upheld. Division Bench judgment of this Court in

the case of Ramdas Shriniwas Nayak and another Vs. Union of India and others, following it, Division Bench judgment of Hon"ble Andhra

Pradesh High Court in the case of A.P. Dalit Mahasabha Vs. Govt. of A.P. and Others, is also pressed into service. Our attention is also drawn to

the judgment of Hon"ble Apex Court in the case of Government of Andhra Pradesh and Another Vs. Maharshi Publishers Pvt. Ltd. and Others, to

urge that handing over of possession in advance has not been faulted with by Hon"ble Apex Court in that matter. To point out the extent of scope

of jurisdiction available in this Court, judgment in the case of Census Commissioner Vs. R. Krishnamurthy, is relied upon.

14. The judgment relied upon by petitioners in the case of Rajureshwar Associates Vs. State of Maharashtra and ors. (supra) is sought to be

distinguished on the ground that there the challenge was to final allotment which was done without following proper procedure. He submits that in

present matter; as yet, the State Government has not taken any final decision of allotment and the petition as filed is premature. He invites attention

to an affidavit dated 8-5-1998 submitted by respondent no. 2 to urge that the possession of respondent no. 2 and use of land by them is subject to

final decision by the State Government in proposal forwarded by the Collector. If said proposal is not accepted by the State Government,

respondent no. 2 can challenge the decision before the appropriate forum. But respondent no. 2 shall not claim any equity and no additional legal

right on that account to establish claim. He submits that allotment of college to respondent no. 2 is after proper approval from Finance Department.

15. The resolution passed by the Municipal Council, Chikhaldara and contention of petitioners that they acted to protect ecology and environment

of area is criticized by submitting that allotment in favour of Navjeevan Society or Eklayva Residential School which has been done near about at

the same time has not been questioned till date. Learned counsel submits that petition has been filed only for political purpose and such politically

motivated petition should be dismissed.

16. Learned counsel for petitioner, in reply, submits that the respondent no. 2 could not point out any provision in the Maharashtra Land Revenue

Code which enables respondents to place respondent no. 2 in possession in advance. According to him, distinction between grant of college and

grant of land must be kept in mind while considering the present controversy. Section 40 of the Maharashtra Land Revenue Code or Land

Disposal Rules do not bye-pass Business Rules and hence the Cabinet decision is essential. Learned counsel states that through the mode and

manner in which decision is to be taken by the State Government, absence of such decision has been point out. Our attention has been invited to

paragraph 18 of the judgment of Hon"ble Apex Court delivered in the case of Akhil Bhartiya Upbhokta Congress Vs. State of Madhya Pradesh

and ors. (supra) again. Learned counsel submits that everything has been done in colourable exercise of his power by the respondent no. 3. He

further adds that as there is no allotment and advance possession itself is illegal, the respondent no. 2 cannot be permitted to take any steps or to

use land for any purpose which may make the situation reversible.

17. Learned Additional Government Pleader appearing for respondent nos. 1, 4 and 5 submits that no reply affidavit is filed. He is supporting the

action as taken by respondent nos. 1 and 4. For that purpose, he seeks leave to adopt argument of learned counsel Shri R.L. Khapre for

respondent no. 2 to the extent necessary for defending State Government"s neutral action.

18. After hearing respective counsel, we find that the existence of policy decision regulating such allotment is not in dispute. Following very same

policy, the State Government appears to have allotted lands to Eklayva Residential School at Chikhaldara or then to Navjeevan Society. These

allotments are not in dispute before us. The Municipal Council which passed the resolution to protest against any such allotment on 26-8-1996, has

levied property tax on the structure raised by Eklayva Residential School. Records also show that Chief Officer of Municipal Council has, on 12-

1-2007, granted permission to said school to cut 10 trees on the condition that 100 new plants would be planted by it.

19. The petitioners in paragraph No. 1 of the petition pleaded that the petitioner no. 1 is renowned social worker at Chikhaldara, petitioner nos. 2

to 4 were Members of Chikhaldara Municipal Council when petition came to be filed. The petitioner no. 6 and 7 were social worker as well as

active members of Congress-I political party. The petitioner no. 6 was also the President of Municipal Council between 1991 to 1996. The

petitioner no. 6 stated that he was Vice President of Chikhaldara Block of Congress-I political party. The petitioner no. 8 also claimed to be active

social as well as political worker. The petitioner no. 9 also claimed same status. They have pointed out that respondent no. 2 is an education

society duly registered as such. They also pleaded that very recently, it opened the college of Arts, Commerce and Science at Chikhaldara. They

have further stated that respondent no. 3 was till 9-5-1998 Minister of State for Revenue in State Government and President of respondent no. 2,

society. They have pleaded that office bearers of respondent no. 2 are all active workers of Bhartiya Janata Party which was then partner in State

ruling alliance.

20. These facts, therefore, show that the challenge was basically on account of political enmity between parties. The absence of challenge to

subsequent allotment substantiate this conclusion. However, that by itself, cannot be a decisive fact. The question is whether the present

respondent no. 2 has been placed in possession of plot No. 7 in accordance with law or not. It is not in dispute that as yet, the State Government

has not taken any decision and hence, there is no final allotment of that plot in favour of respondent no. 2.

21. The policy prevailing in since 1983 and as is evident from later resolution dated 17-6-1995 is briefly mentioned by us supra. Perusal of said

policy decision shows that State Government then located nine Tehsils in entire State of Maharashtra, where not a single degree college was there.

Hence after noticing reluctance of various management to start colleges in such difficult areas, State Government by way of exception notified

policy to extend 100% grant to such colleges from very first year. The said policy expressly clarifies that this concession of 100% grant from day

one was available only in these nine Tehsils and for permissions granted in the year 1996-97. The name of Chikhaldara Tahsil is at serial no. 1 in

list of these Tehsils. The respondent no. 2 has according got this permission on 28-5-1996. The Government Resolution dated 17-6-1995 is

issued with previous sanction of Finance Department. The allotment of college to respondent no. 2 is also with consent of Finance Department.

The said order dated 28-5-1996 also mentioned that grant of college to respondent no. 2 is cleared by State Cabinet on 8-11-1995. This policy

decision or grant of college to respondent no. 2 is not assailed by any of the petitioners before us. The respondent no. 2 accordingly has started the

Arts, Commerce and Science College at Chikhaldara in the year 1996 in rented premises. Thus, even today, said college is functioning. The

college has therefore, come up as a part of policy decision taken by the State Government mentioned supra.

22. In this background, perusal of judgment of Hon"ble Apex Court in the case of Akhil Bhartiya Upbhokta Congress Vs. State of Madhya

Pradesh and ors. (supra) becomes necessary. There, the Hon"ble Apex Court has found it necessary that while distributing largesse like allotment

of land, grant of quota, permit licence, etc. by State and its agencies, there has to be a free, fair and equitable approach. Element of favouritism or

nepotism shall not influence the exercise of that discretion. The distribution has to be by invitation through advertisement and by entertaining the

application made by individuals, organisation or institutions for allotment of land. The State cannot exclude anybody from lodging competing claims

for allotment of land by treating the exercise as private venture. Such exclusion recognized as arbitrary, discriminatory and act of favouritism

violating the soul of the equality clause embodied in Article 14 of the Constitution. However, the Hon"ble Apex Court in paragraph no. 67

mentions that the State may allot land to such organisations engaged in educational activities and the allotment has to be done in manner consistent

with doctrine of equality. The competent authority, as a matter of course, should issue advertisement incorporating therein the conditions of

eligibility so as to enable all similarly situated eligible persons to apply. In paragraph 80 on which learned counsel for petitioners harped, the

Hon"ble Apex Court has rejected the challenge to locus of petitioners, the Hon"ble Apex Court found that they were public spirited organisations

and challenged allotment which was not in accordance with Article 14. Here, though the respondent no. 2 has assailed the locus of petitioners, the

findings recorded supra show that they belong to a particular political party, they are active socially as also politically. Hence this Court does not

find absence of locus in them.

23. It will be proper at this stage to refer to other judgment of Hon"ble Apex Court in the case of Rajureshwar Associates Vs. State of

Maharashtra and ors. (supra). There, the Hon"ble Apex Court has in paragraph 38, considered the question whether the decision dated 23-10-

2000 in pursuance of which the agreement of sale dated 18-11-2000 was executed was a government decision. In the process, it made reference

to the provisions of Maharashtra Government Rules of Business, particularly, Rules 8, 9, 11 and 12. It has found that all cases referred to in

second Schedule must be brought before the Council. Entry 17 of the second Schedule on which petitioners have placed reliance is looked into in

paragraph 41. Ultimately, on perusal of records, Hon"ble Apex Court concluded that the Government had not given sanction for the sale of

subject land. Here, the petitioners are pointing out absence of any sanction by the State Government. The respondent no. 2 has urged that petition,

as filed, is premature. It is not, therefore, necessary for us to record any findings on relevance or violation of Business Rules or on this judgment at

this stage.

24. The petitioners claimed that they have sent a communication dated 17-5-1998 to the office of Collector and to the Sub Divisional Officer at

Chikhaldara, it's copy is at Annexure-V. There, they have mentioned that other institutes which have applied for grant of land at Chikhaldara are:

(1) Adivasi Gavilgad Shikshan Prasarak Mandal, Gaulkheda and the petitioners claimed that it needed land for D.Ed. College.

(2) Shri Gurudeo Prasarak Mandal and it demanded land for construction of hostel and

(3) Hanuman Vyayam Prasarak Mandal and this Mandal demanded land for establishing a library.

Thus, none of these institutes had a degree college or claimed grant of land to start a degree college in terms of Government Resolution dated 17-

6-1995.

25. The learned counsel for respondent no. 2 has invited our attention to judgment of Hon"ble Apex Court in the case of Shri Ram Krishna Dalmia

and ors. Vs. Shri Justice S.R. Tendolkar and ors. (supra), particularly, paragraph 11 therein to assert that respondent no. 2 which has started the

only degree college at Chikhaldara in terms of Government Resolution dated 17-6-1995 constitutes a class by itself. Perusal of the Maharashtra

Land Revenue Code, particularly, Section 40 shows that nothing contained in any provisions thereof derogates from rights of the State

Government to dispose of any land which is property of State Government on such terms and conditions as it deems fit. Perusal of the

Maharashtra Land Revenue (Disposal of Government Lands) Rules, 1971 reveals that its part III deals with disposal of land for agricultural

purposes. Earlier part i.e. Part II deals with grant of land for promotion of Educational, Charitable or Public purposes. Rule 5 is about power of

State Government to make revenue free grants. Sub-rule (1) stipulates that except as provided in Rules 6, 7 and 8, no land shall be granted free of

occupancy price or free of land revenue or both without the sanction of the State Government. Sub-rule (2) is about grant of land under sub-rule

(1) with sanction of State Government and form of sanad to be issued by the Collector. Here, it is admitted position that as yet, there is no sanction

of the State Government and hence, it is not necessary to consider the said rule at present. Rule 6 is power of Collector to make revenue free

grants. The Collector has been authorized if the estimated revenue free value of the land falls within the limits which are mentioned in column 2 and

3 of table provided in said Rule 6. Here, it is not in dispute that said value is estimated by Collector to be at Rs. 24,62,500/- and as such, it is

beyond the Collector to make revenue free land. He, therefore, forwarded the proposal to the State Government.

26. Our attention has also been invited to the provisions of Rule 32 and 36. However, as the State Government has yet not taken any decision on

the proposal forwarded to it by the Collector, it is apparent that it is not necessary for this Court to consider said aspect.

27. The respondent no. 2 has relied upon judgment of Hon"ble Apex Court in the case of M/s. Kasturi Lal Lakshmi Reddy Vs. The State of J.

and K. and anr. (supra) to submit that when policy of State of Jammu and Kashmir was made known by its Chief Minister in speeches delivered

by him at various places, absence of advertisement for allotment of land to new units in State of Jammu and Kashmir was not found a fatal defect

by Hon"ble Apex Court. It is also pointed out to us that said judgment has been followed by this Court while considering the challenge on the

ground of absence of the advertisement in its judgment in the case of Ramdas Shriniwas Nayak and anr. Vs. Union of India and ors. (supra) and

by Andhra Pradesh High Court in the case of A.P. Dalit Mahasabha Vs. Govt. of A.P. and ors. (supra).

28. The judgment in the case of Govt. of A.P. and anr. Vs. Maharshi Publishers Pvt. Ltd. and ors. (supra) has been relied upon by the respondent

no. 2 to show that delivery of advance possession by itself is not held to be wrong by Hon"ble Apex court. Petitioners before us have submitted

that there, possession was handed over only after order of allotment. Facts show that the lands were allotted on different dates as mentioned in

paragraph 3 of judgment and only dispute before Hon"ble Apex Court was whether possession could have been denied to some who did not

deposit the entire money while it could have been handed over to others who were similarly situated. Thus, some schools or institutes were given

facility to deposit in installments and possession was handed over to them. Same facility was not extended to others. This judgment is, therefore,

not of assistance to respondent no. 2. The judgment in the case of Census Commissioner and ors. Vs. R. Krishnamurthy (supra) is pressed into

service by respondent no. 2 to point out the fetters on the jurisdiction exercised by this Court. The Hon"ble Apex Court has found that this Court

cannot sit in appeal over wisdom in policy decisions. The limits of powers of judicial review are well known and this Court cannot interfere unless

and until the action is shown to be either erroneous or arbitrary or then mala fide. Here, the petitioners have assailed handing over of advance

possession to respondent no. 2 under the pretext that they want to save the environment and ecology of Chikhaldara which is well known Hill

Station in the area. However, this diligence has not been exhibited when the other institutes built their structure and started functioning. The State

Government has, in discharge of its obligation under directive principles, decided to encourage establishing of degree colleges in Tehsils where not

a single such college was there. The respondent no. 2 accordingly has been selected and allowed college at Chikhaldara by the State Government.

This action of allotting the degree college to it has not been assailed by the petitioners. This degree college has started functioning since 1996. The

petitioners have not pointed out that any other degree college has come up in that area. Such degree college for effective functioning wanted a land

for said purpose. This need, therefore, cannot be said to be either dishonest or not genuine. The authorities have evaluated and accepted that need.

According to the petitioners, the extent of land needed by respondent no. 2 is not more than 2 Acres. The documents on record show different

versions in this respect. As State Government has not taken any final decision, we are not inclined to make any comment on the extent of area of

land needed by the respondent no. 2. The respondent no. 2 is already in possession of that land and because of interim order, it has not been

developed further. Though respondent no. 2 has agreed not to claim any right in equity or any additional legal right, in present situation, we are not

inclined to permit it to undertake any such development. Shri Khapre, learned counsel for respondent no. 2, upon instructions, pleaded that the

respondent no. 2 is ready and willing to deposit amount of Rs. 24,62,500/- with the State without prejudice to its demand to have said land at

nominal rate. He submitted that if ultimately, the land cannot be allotted by accepting that amount, the land can be given to respondent no. 2 for

that consideration. The petitioners have opposed such an arrangement. In this situation, it is not necessary for us to observe anything on this

proposal. It is open for the respondent no. 2 to make such representation to the State Government in accordance with law and it is open for the

State Government to consider it.

29. Taking overall view of the matter and considering the fact that the degree college has come up at a remote place like Chikhaldara and is

working since 1996, and having found that need of land by it cannot be labeled as not genuine, we are inclined to direct State Government to take

decision on the proposal forwarded to it by the office of Collector, Amravati in this regard within a period of four months from today.

30. The State Government shall take final decision in accordance with provisions of the Maharashtra Land Revenue Code and Land Disposal

Rules uninfluenced by the observations made by us herein above.

31. With these directions and an order to respondent no. 2 to maintain status quo as on today in relation to Plot No. 7 of Sheet No. 2,

Chikhaldara till the State Government takes final decision, we partly allow the writ petition with no order as to costs. Rule made absolute

accordingly.