Chatur Jivaram Patil and Another

Vs

State of Maharashtra and Others

Civil Appeal No. 2732 of 1972

(O. Chinnappa Reddy, G. L. Oza JJ)

11.11.1986

ORDER

1. The Commissioner, Bombay Division exercising suo motu powers of revision under the Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1961 set aside the order of the Assistant Collector, Nandurbar Division and held that the partition pleaded by the present appellants was not true. The High Court refused to interfere and exercise its jurisdiction and we are unable to find any reason for interfering under Article 136 of the Constitution. The learned counsel for the appellants argued that some members of the family had not been served with notices after the death of Jivan Patil. Most of the adult members of the family had appeared before the Commissioner and we think that all the members were sufficiently represented and that the case does not call for any interference on that ground. Another point with Shri U. R. Lalit, learned counsel for the appellant tried to make was that some affidavits which were filed before the Commissioner were not taken into account by the Commissioner. We think that the Commissioner was perfectly justified in ignoring those affidavits which, we think, on a perusal of these affidavits, are worthless. The appeal is, therefore, dismissed.

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