

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.5877 OF 2012

SHRIMANT HIMATRAO LOKHANDE

PETITIONER

VERSUS

VITTHALRAO BAJIRAO LOKHANDE AND OTHERS

RESPONDENTS

Mr.H.V.Patil, Advocate for the petitioner.

Mr.U.H.Bhogle, AGP for respondent Nos. 2 to 4.

Mr.J.V.Deshpande, Advocate for respondent No.1.

(CORAM : RAVINDRA V. GHUGE, J.)

DATE : 13/01/2015

PER COURT :

1. I have heard the learned Advocates for the petitioner and respondent No.1 and the learned AGP on behalf of respondent Nos.2, 3 and 4. Upon hearing the submissions of the learned Advocates, I am inclined to remit the matter to the concerned Tahsildar, Taluka Bhokardan as per the directions of the Additional Collector, Jalna dated 30/09/2008 in proceeding No.172/2007 for an INDEPTH and a PROPER enquiry.

2. The entire issue boils down to the petitioner claiming existence of a well in his land Gat No.222 and respondent No.1 claiming existence of a well in his land Gat No.221. The civil dispute between respondent No.1 and the brother of the petitioner Avchitrao Himmatrao in RCS No.86/2004, instituted by respondent No.1, has resulted in the dismissal of the said suit by judgment dated

14/07/2008. Those proceedings were in connection with the alleged well existing in land Gat No.221 owned by respondent No.1. Respondent No.1 confirms that the said judgment dated 14/07/2008 has not been called in question in any superior Court.

3. Since the parties are being relegated to the Tahsildar, Bhokardan, the impugned judgment of the Additional Commissioner in ROR/REV/340/2008 is not interfered with.

4. By this order, it is made clear to the concerned Tahsildar, Bhokardan that he shall conduct a serious enquiry as regards the dispute referred to him by the Additional Collector, Jalna by judgment dated 30/09/2008. His Enquiry Report shall be supported with necessary documents and if required, even photographs as regards the wells claimed to be existing in Gat No.222 as well as Gat No.221. The said enquiry shall be completed by the concerned Tansildar as expeditiously as possible and preferably on or before 15/05/2015.

5. With these observations, the writ petition is disposed of.

(RAVINDRA V. GHUGE, J.)