

WRIT PETITION NO. 4785 OF 2014

Abhay s/o Acchutrao Diwan,
Age: 45 years, Occ: Doctor,
R/o. 2/1 Santbhumi Apartment near
Nigadi Flyover, Nigadi Pune, through
its power of attorney Acchutrao
s/o Gopalrao Diwan, Age: 75 years,
Occ: Agri. & Pensioner,
R/o. Main Road, Diwan Galli,
Pathri, Tq. Pathri, Dist. Parbhani. ...Petitioner

versus

The State of Mahaharashtra & Ors. ...Respondents

.....
Mr. N.L. Jadhav, Advocate for petitioner.
Mr. G.R. Ingole, A.G.P. for respondents.

**CORAM : R. M. BORDE &
N. W. SAMBRE, JJ.**

DATE : 20TH FEBRUARY, 2015

PER COURT :

This petition can be disposed of, in view of the affidavit in reply presented on behalf of respondent No. 4. In paragraph-9 of the affidavit in reply, it is stated that if the Court issues directions to the concerned respondent to get the land measured, the respondent shall abide by such directions. It is not the matter of dispute that the petitioner is armed with the decree of Civil Court where-under the persons belonging to Scheduled Caste community are restrained

from interfering in the possession of the petitioner over the land under the garb of allotment of the said land for the purpose of grave yard for scheduled caste community persons. There appears to be a dispute relating to the boundaries of grave yard belonging to the scheduled caste community persons and funeral ground allotted to the Hindu community and in respect of land belonging to the petitioner. In the circumstances, the solution to the problem is to get the land measured and fix the boundaries.

2. Respondent No. 4 shall measure the land allotted to scheduled caste community persons for grave yard, land allotted to Hindu community persons for the purpose of funeral ground and prescribe the boundaries thereof. The said exercise should be made as expeditiously as possible, preferably within a period of eight weeks. The petitioner undertakes to co-operate respondent No. 4 in ensuring the measurement of the land. The writ petition is disposed of.

[N.W. SAMBRE, J.]

[R. M. BORDE, J.]