

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD**

WRIT PETITION NO.2349 OF 2014

Prayagbai w/o Shankarrao Kharate

.. Petitioner

Versus

Collector, Collector Office, Nanded
and ors.

.. Respondents

Mr S.T.Veer, Advocate for petitioner

Mrs A.V.Gondhalekar, A.G.P. for respondents No.1 to 3

Mr O.B.Boinwad and Mr V.T.Pathan, Advocates for respondents No.5 to 8

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

DATE : 16th February 2015

PER COURT

1. The petitioner is seeking directions to the respondents to put the petitioner in possession of the properties on execution of the decree passed by the Civil Court. A decree has been passed by the Civil Court directing partition of the properties and the said decree has been referred to the Collector, as contemplated under Section 54 of the Code of Civil Procedure. It does appear that there is discrepancy in the measurement of one of the Gut number and the report has been made by the Deputy Superintendent of Land Records to the Tahsildar.

2. It would be open for the petitioner to comply with the objection and if necessary to take remedial measures, as provided under the

Code of Civil Procedure. The decree has been referred for partition in 2012. The Collector is expected to take appropriate steps and ensure execution of the decree, expeditiously.

3. The respondents No.1 and 2 are directed to take appropriate steps in accordance with the provisions of Land Revenue Code as well as in conformity with Section 54 of the Code of Civil Procedure and ensure execution of the darkhast, including making appropriate report to the Civil Court.

4. With the directions as aforesaid, writ petition stands disposed of.

(N.W. SAMBRE, J.)

(R.M. BORDE, J.)

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