

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

REVIEW APPLICATION NO.50 OF 2014 IN
WRIT PETITION NO.8164 OF 2012

Sau.Kamalbai w/o Vishwas Dorik .. Applicant

Versus

Aadhar s/o Narayan Koli and ors. .. Respondents

Mr P.S. Patil, Advocate for applicant

CORAM : N.W. SAMBRE, J.

DATE : 13th April 2015

PER COURT

1. The review applicant who was petitioner in Writ Petition No.8164 of 2012 consented for an order dated 14th December 2012 which pertains to appointment of Court Commissioner for measurement of the property in question.

2. Mr Patil, learned Counsel for the petitioner-applicant has sought review of the said order, as according to him, the Deputy Superintendent of Land Records by his communication dated 4th July 2013 expressed difficulties in executing the order of submission of report by the Court Commissioner. Mr Patil would further urge that if the conditions which are mentioned by the Deputy Superintendent of Land Records, Sindkheda in his communication dated 4th July 2013 are perused and if are given effect to, according to him the same is not economically viable to the present petitioner-applicant, as cost of measurement will be more than the cost of the encroached portion. He would urge that the order of this Court dated 14th December 2012

needs to be modified by directing measurement of only the road abutting the plot of the petitioner.

3. Having perused the contents of the communication dated 4th July 2013, issued by the Deputy Superintendent of Land Records to the present petitioner, it is required to be noted that the said authority in compliance with the order of this Court of which review is sought, has shown readiness and willingness to measure the property as per the measurement regulation and has called upon the petitioner to deposit the amount of Rs.46,000/-. The said authority has given the explanation in his communication as to why there is necessity to measure the entire Gut No.1 so as to carved out the encroached portion.

4. In view thereof, in my opinion, no case for review is made out. The application lacs merits, stands rejected.

(N.W. SAMBRE, J.)

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