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

**WRIT PETITION NO.3488 OF 2016**

Vithal Gitaram Gaikwad

PETITIONER

VERSUS

Georai Taluka Agriculture Produce  
Market Committee

RESPONDENT

.....  
Mr. M. S. Indani, Advocate for the petitioner  
.....

**[CORAM : SUNIL P. DESHMUKH, J.]**

**DATE : 29<sup>th</sup> MARCH, 2016**

**ORDER :**

1. Heard learned advocate for the petitioner.
2. It appears that witness summons had been issued to the office of District Inspector of Land Records. Upon appearance, the witness had sought time. Subsequently, under application Exhibit-119, it came to be communicated that since measurement was carried out by the office of District Inspector of Land Records and after 1994 the office of the Taluka Inspector of Land Records had come into existence, the file appears to be from the office of District Inspector of Land Records and before the creation of office of Taluka Inspector of Land Records and in

the record, as has been received from the office of the District Inspector of Land Records, the concerned file was not being traced nor there is any record in the register. It was upon this, application Exhibit-121 had been moved, seeking declaration that the file is not in existence.

3. The court appears to have considered that Order XVI, Rules 20 and 21 of the Civil Procedure Code would not be applicable in the present case and as such, the application is not tenable.

4. Upon perusal of the impugned order, the purpose of the application and the reasons as are appearing in the impugned order would not be able to amenable to be faulted on any count. As such, the writ petition is not being entertained and is rejected. However, it is open for the petitioner to make appropriate application as may be deemed fit, in the peculiar facts and circumstances of the case.

**[SUNIL P. DESHMUKH, J.]**