

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

WRIT PETITION NO. 545 OF 2013

Gopalsing Dhannusing Rajput .. Petitioner

Versus

The State of Maharashtra and others .. Respondent

Shri Kiran D. Jadhav and Shri S. G. Bodade, Advocates for the
Petitioner.

Mrs. M. A. Deshpande, A.G.P. for Respondent Nos. 1 to 5.

Shri K. H. Surve, Advocate for the Intervenor.

Shri G. C. Navandar, Advocate for the Intervenor.

**CORAM : S. V. GANGAPURWALA AND
A. M. BADAR, JJ.**

DATE : 27TH JANUARY, 2016.

PER COURT :

. Vide order dated 12th March, 2013, this Court had directed the Tahsildar to take necessary steps within two weeks. It appears that, the same was not undertaken. Thereafter vide order dated 05.01.2016 this Court had again directed the Tahsildar to comply the earlier order dated 12.03.2013 and failure to comply, the Tahsildar was directed to personally remain present.

2. Mrs. Deshpande, the learned A. G. P. states that, Naib Tahsildar is present in the Court and the Tahsildar is not in a position to remain present as the work of removal of

encroachment is going on. The Tahsildar atleast should have filed an application to this Court for exemption from appearance. The said explanation shall be filed on affidavit by the Tahsildar within a period of eight (8) days from today, even if we are disposing of the writ petition.

3. It is submitted by the learned A. G. P. that, the Tahsildar had placed the matter regarding taking the entry of petitioner in the record of rights as contended by the petitioner on 25.01.2016. The petitioner was present before him on the said date and the petitioner also sought some time. The next date of hearing is kept on 02.02.2016 and notices are also given to other parties. The petitioner himself has sought time.

4. Considering the fact that, now the Tahsildar has taken up the proceedings, we are not probing in to the matter further. Suffice it to state the Tahsildar shall take cognizance of long pendency of application and shall decide the same on its own merits and in accordance with law expeditiously and preferably within a period of four (4) months from today. The parties shall co-operate in disposal of the proceedings. The writ petition is disposed of. No costs.

[A. M. BADAR, J.]

[S. V. GANGAPURWALA, J.]