

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

8 WRIT PETITION NO. 11209 OF 2015

SANJAY MUDGUL MAGAR AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Advocate for Petitioners : Mr. Bhavar Nitin R
AGP for Respondents State: Mrs. V. H. Patil
Advocate for Respondent No.6 : Mr. P. V. Barde

**CORAM : S. V. GANGAPURWALA &
K. L. WADANE, JJ.**

DATE : 7th December, 2016

ORDER:

1. Mr. Bhavar, the learned counsel for the petitioners states that the petitioners were allotted land in Survey No.375/2A under the Maharashtra Agricultural Lands (Ceiling on Holdings) Act to the extent of 2 Acres and 2 Gunthas. The petitioners had approached respondent No.6 for issuing No Objection Certificate. The same is not being issued on the ground that the petitioners have encroached to the extent of 2 acres 2 Gunthas in land Gat No. 259/2. According to the learned counsel, there is no encroachment.

2. Mr. Barde, the learned counsel for respondent No.6 submits that measurement was carried out and it is found that the petitioners have encroached over land Gat No. 259/2 and as such, No Objection Certificate

cannot be granted as per circular dated 04.05.2012.

3. To resolve the dispute, it would be appropriate for the parties to make a joint measurement of land Gat No.259 and Gat No. 222. The petitioners are ready for the same and are also ready to bear the expenses of measurement. In the light of that, we pass following order:

O R D E R

Land Gat No.259 and Gat No.222, situated at Kokamthan, Tq. Kopargaon shall be jointly measured by the petitioners and respondent No.6. The petitioners shall bear the charges of measurement. Upon receipt of measurement report, the parties shall abide by the same and further steps shall be taken pursuant to the measurement report within a period of three months from the date of receipt of the measurement report and the map.

4. Writ petition is accordingly disposed of. No costs.

(K. L. WADANE, J.)

(S. V. GANGAPURWALA, J.)

JPC