

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4618 OF 2014

Hanumant S. Pingle

... Petitioner

Vs.

State of Maharashtra

... Respondent

Mr.S.S. Raut for the Petitioner

Mr.J.A. Madane, AGP, for Resp. Nos.1 to 7

Mr.K.U. Nikam for for Respondent No.8

CORAM: MRIDULA BHATKAR, J.

DATE: OCTOBER 24, 2016

P.C.:

1. The learned Counsel for Petitioner and the respondent are present. Learned Counsel for the petitioner submits that the dispute pertains to demarcation of the petitioner's land bearing gat No.648 and the respondent's land bearing gat No.647/6, Mauje Moruchi, Taluka Malshiras, District Solapur. He submits that as the issue pertains to the area and the demarcation of these two plots, both the petitioner and the respondents are of the view that a fresh demarcation of their respective lands is necessary for which they are ready to bear the expenses of the DILR and the matter is to be referred to DILR for a fresh measurement.

2. The learned Counsel for the petitioner submits that there was a dispute in respect of payment of measurement charges earlier and so, the

order dated 3.11.2012 passed by Respondent No.2, the Additional Commissioner, Pune is under challenge. The learned AGP appears for Respondent Nos.1 to 7. The learned Counsel for Respondent No.8, the contesting party, is present.

3. In view of the submissions which are also confirmed by the learned Counsel for Respondent No.8, the contesting party, the following order is passed:

- i) The impugned order dated 3.11.2012 is hereby set aside and further notices dated 14.10.2013 27.3.2014 are set aside;
- ii) The parties to approach the DILR on or before 16.11.2016 and thereafter the DILR is directed to carry out fresh measurements of the plots on or before 31.1.2017.
- iii) Both the parties shall bear 50% of the expenses of the DILR.

4. Writ petition is disposed of accordingly.

(MRIDULA BHATKAR, J.)