

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 12042 OF 2017

SAHEBRAO BHAURAO KASHID
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. Zambare Sudheer R
AGP for Respondents: Mr. S.N. Kendre

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CORAM : V. K. JADHAV, J.
DATED : 7th NOVEMBER, 2017

PER COURT:-

1. Heard.

2. The petitioner-original plaintiff has assailed the order passed by the trial court below Exh.102 dated 27.4.2017 in R.C.S. No. 5 of 2011. The petitioner has filed application Exh.102 for redirecting the Court Commissioner to carry out the measurement of agricultural land bearing Gat Nos.95 and 96. It appears that the suit has been instituted for declaration of ownership and perpetual injunction. In terms of order dated 17.01.2011 passed below Exh.27, the Court Commissioner i.e. T.I.L.R. Paranda came to be appointed with direction to measure the suit land in presence of both the parties and to show whether any road is in existence in the suit land or not or any ditches in the land, if any, and further to carry out the work of commission in terms of application Exh.27 made by the plaintiff. In response to the said order, on behalf of office of the Deputy Superintendent of Land Records, the measurement was carried out by

P.W.8 Uddhav Tak and he has also submitted his report Exh.47 alongwith copy of panchnama and measurement map.

3. It appears from the observations made by the trial court that though the petitioner has filed application Exh.102 for re-measurement of land, the petitioner has nowhere suggested to P.W.8 Uddhav Tak that the measurement was carried out by him is not in accordance with the directions given by the court while disposing of application Exh.27. It thus appears that the directions about re-measurement of land is wholly uncalled and unwarranted for. I do not find any fault in the impugned order. There is no substance in the writ petition. Writ petition is hereby dismissed. No costs.

(V. K. JADHAV, J.)

rlj/