

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

WRIT PETITION NO.9455 OF 2012

Sahebrao s/o Laxman Jadhav ... PETITIONER

VERSUS

Smt. Lilabai Bhimrao Kakade & others ... RESPONDENTS

.....
Shri V.D. Sapkal, Advocate for petitioner
Shri N.T. Tribhuwan, Advocate for respondent Nos.1 to 3
Shri A.V. Deshmukh, A.G.P. for State
.....

WITH

CIVIL APPLICATION NO.2267 OF 2015

Smt. Lilabai Bhimrao Kakade & others ... APPLICANTS

VERSUS

Deputy Director of Land Records
and others ... RESPONDENTS

.....
Shri D.J. Choudhary, Advocate for applicants
Shri V.D. Sapkal, Advocate for original petitioner
Shri A.V. Deshmukh, A.G.P. for State
.....

WITH

CIVIL APPLICATION NO.2268 OF 2015

Poornabai Shivdas Bharsakhale ... APPLICANT

VERSUS

Smt. Lilabai Bhimrao Kakade & others ... RESPONDENTS

.....

Shri D.J. Choudhary, Advocate for applicant
Shri V.D. Sapkal, Advocate for original petitioner
Shri N.T. Tribhuwan, Advocate for respondent Nos.1 to 3
Shri A.V. Deshmukh, A.G.P. for State

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CORAM: S. B. SHUKRE, J.

DATED: 17th January, 2017.

ORAL ORDER :

1. Heard learned counsel for the petitioner and learned counsel for the contesting respondent Nos.1 to 3 and also learned A.G.P. for respondent Nos.4, 5 and 6. The perusal of the grounds stated in the Writ Petition as well as the impugned order passed by the Hon'ble Minister on 18/10/2012 would show that, it is only the respondent Nos.1 to 3 who had questioned the legality and correctness of the order dated 31/5/2007, passed by the Superintendent, Land Records, Aurangabad and, therefore, so far the respondent Nos.7 to 15 are concerned, this order passed by the learned Superintendent, Land Records has attained finality. Now the contesting respondent Nos.1 to 3 have also agreed to lend finally to this order, as is disclosed from the compromise arrived between the petitioner and the contesting respondent Nos.1 to 3, this compromise is reduced into writing in the consent deed entered into between the petitioner and contesting respondent Nos.1 to 3 on 27/10/2016. The petitioner and contesting respondent Nos.1 to 3 are

personally present before the Court and they have been duly identified by their respective counsel. These parties have confirmed the terms of consent evidenced by the consent deed. They submit that, the same have been explained to them by their respective counsel and they have understood the same properly.

2. In view of the above, this petition now deserves to be allowed by quashing and setting aside the order of the Hon'ble Minister, dated 18/10/2012, and confirming the order dated 31/5/2007, passed by the Superintendent, Land Records, Aurangabad.

3. Accordingly, the Writ Petition is allowed. The order of the Hon'ble Minister dated 18/10/2012 is hereby quashed and set aside and the order of the Superintendent, Land Records, dated 31/5/2007 is confirmed. Parties to bear their own costs. Writ Petition is disposed of in above terms.

4. In view of disposal of the Writ Petition, pending Civil Applications are disposed of.

(S. B. SHUKRE)
JUDGE