

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

WRIT PETITION NO. 12918 OF 2017

BHAUSAHEB KISAN TAKALE AND OTHERS
VERSUS
SARJERAO MANIKRAO CHITALE AND OTHERS

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Advocate for Petitioners : Mr. D R Markad h/f Kakade
Amol N .

Advocate for Respondents : Mr. A M Kulkarni h/f
Kulkarni M.A.

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CORAM : V.K. JADHAV, J.

Dated: November 14, 2017

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PER COURT :-

1. I find no substance in this writ petition. Learned counsel for the petitioner has brought my attention to the order passed by this Court in writ petition No.349 of 2016 dated 16.9.2016. Learned counsel submits that, in paragraph no.5 of the order, this court has observed as follows :-

5. Admittedly, the sale deed was executed in favour of defendant first time in the year 1985 and if the property is to be measured the priority will have to be given to sale deed executed in favour of the defendant."

2. Learned counsel submits that, in view of the above observations, trial court has not stated in the impugned order about priority to be given to land of the petitioners while carrying out the measurement.

3. On perusal of the impugned order passed below exh.51, it appears that, learned judge of the trial court has appointed the Deputy Superintendent of Land Records to conduct the measurement of the entire land gat No.92 old survey No.169/2 having area of 1H 97R situated at Dangewadi, Tq. Pathardi District Ahmednagar by visiting the said land and further directed to show the boundaries of the aforesaid land and to prepare a detail map showing prominent structure or spots, if any, in the above mentioned land.

4. I do not find any fault in the impugned order passed by the trial court since the learned judge of the trial court has directed the Deputy Superintendent of Land Records to measure the entire land gt no.92. The purpose of carrying the measurement would be served.

Hence, order.

Order

1. Writ Petition is hereby dismissed.
2. No costs.

(V.K. JADHAV, J.)

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