

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

WRIT PETITION NO. 12868 OF 2016
WITH CA/12590/2017 IN WP/12868/2016
VINAYAK UTTAMRAO SUKALE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Mr.M.P.Kale, Advocate & A.A.Khande, Advocate for the petitioner

Mr.S.W.Mundhe, AGP for respondent Nos. 1 to 4

Mr.V.S.Undre, Advocate the applicant in CA 12590/17

**CORAM : S.V. GANGAPURWALA &
S.M. GAVHANE, JJ.**

DATED : 28.11.2017

P.C. :-

. The petitioners have filed application under Section 143 of the Maharashtra Land Revenue Code, 1966 praying for road to their land situated at Gut Nos.88 to 100. The Tahasildar directed the Deputy Superintendent of Land Record to measure the land.

2. Mr.Khande, Advocate submits that Office of the Superintendent of Land Record is directing the petitioner to deposit the measurement fees.

3. Learned AGP submits that the Collector has powers to grant exemption from payment of measurement fees and if the Collector passes the order then measurement would be carried out without insisting for

the fees.

4. The measurement has been directed by the authority under Section 143 of the Maharashtra Land Revenue Code. The said directions are issued by the authority to the Deputy Superintendent of Land Record, Washim to measure the land. In view of that and considering the facts and circumstances of the case that the Collector himself has directed the Tahasildar to take up the proceedings and further the measurement is directed by the Tahasildar pursuant to the quasi judicial proceedings. The Office of the SLR/TLR/respondent No.4 shall measure the land as per the directions given by Tahasildar under its letter dated 01.06.2016 (Exh.J) and 17.10.2015 (Exh.h) without insisting for the fees from the petitioners. The measurement shall be done expeditiously preferably within three months.

5. If the intervenor has any objection with regard to claim pending before the Tahasildar under Section 143 they may take up the proceedings as may be permissible before the Tahasildar. The writ petition stands disposed of. In view of disposal of the writ petition, the civil application does not survive and stands disposed of.

[S.M. GAVHANE, J.]

[S.V. GANGAPURWALA, J.]