

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6482 OF 2017

Rajaram Bapu Patil	..	Petitioner
vs.		
The Circle Officer & Ors.	..	Respondents

Mr. J. P. Kharge for Petitioner.
Mr. S. D. Rayrikar - AGP for Respondent Nos. 2 to 6.
Mr. Sachin Hande for Respondent No. 7.
Mr. S. A. Shaikh i/b. S. G. Thorat for Respondent No. 8.

CORAM : M. S. SONAK, J.
DATE: 27 SEPTEMBER 2017

P.C :

- 1] Heard learned counsel for the parties.
- 2] In this petition, although, the prayer clause makes reference only to impugned order dated 18th November 2016 made by the Minister (Revenue), dismissing the petitioner's review petition, in effect, the petitioner, challenges the order made by the Tahsildar in the execution of the partition decree made by the civil courts which decree, has admittedly attained finality.
- 3] As against the Tahsildar's order, the petitioner, appealed to the Sub Divisional Officer, which was followed by a revision before the Collector, a second revision before the Minister (Revenue) and finally, a review before the Minister (Revenue). In all these

proceedings, the petitioner's contentions have been considered and re-considered but rejected, as lacking in merits.

4] In this petition under Article 227 of the Constitution of India, learned counsel for the petitioner once again submits that the order of the Tahsildar, is not consistent with the decree of partition. He elaborates to point out that properties in so far as gat nos. 5 and 96 are concerned, have been entirely partitioned in favour of the petitioner, when in fact, there are other co-sharers in these properties as well. He points out that in so far as gat no. 3 is concerned, there are mistakes in so far as the area is concerned and in any case, no partition has been ordered in the meets and bounds. He points out that excess shares have been allotted to the respondents and to that extent the orders of execution travel beyond the partition decree itself. He points out that the State, has filed affidavit in this petition acknowledging certain errors and committing to undertake the fresh exercise. However, this exercise was never undertaken. He points out that the panchnamas are false and even the panchas have filed affidavits to that effect. On all these grounds, he submits that this Court ought to exercise jurisdiction under Article 227 of the Constitution and interfere with all the orders.

5] It is not possible to entertain such grounds in the exercise of

extra ordinary jurisdiction under Article 227 of the Constitution. No jurisdictional error or perversity is pointed out. At this stage, it is not possible to once again undertake the exercise of examining impugned order on the grounds alleged.

6] Accordingly, there is no case made out to interfere with the impugned orders in this petition. This petition is therefore dismissed. Interim order, if any, is vacated. There shall be no order as to costs.

(M. S. SONAK, J.)

Chandka