

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

Writ Petition No. 3342 of 2015

Ganesh s/o Vikas Thengane and another V/s Natthu s/o Uddhao Thengane
and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri S.D. Chopde, Advocate for Petitioners.
Shri S.M. Bhangde, Advocate for Respondent.

CORAM : Z.A. HAQ, J.

DATED : 07/11/2017

Heard.

After hearing the parties, an order was passed on 4/8/2015 appointing Court Commissioner and directing that TILR Bhadrawati under the supervision of Court Commissioner shall work out a way having width of 8ft. A report dated 17/11/2015 was submitted to this Court by Court Commissioner. A separate report was submitted by TILR Bhadrawati. This Court passed an order dated 17/12/2015 recording that the order dated 4/8/2015 was not properly worked out by the Court Commissioner and the TILR. This Court directed that report alongwith

common map should be submitted in terms of the order dated 4/8/2015. Accordingly report dated 18/2/2016, alongwith map, is submitted by the Court Commissioner.

The learned Advocate for the petitioner has submitted that as per the order passed by the Court 4/8/2015 08ft. wide road is made available to the petitioner and the grievance of the petitioner does not survive. The learned advocate for the respondent has submitted that the Court Commissioner and the TILR have acted high handedly and though there wasn't any order of removing the barbed fencing of the respondent, it is removed with the help of police and 8ft. wide way is carved out of the land of the respondent. There is no material on record to substantiate the contentions of the respondents. Be that as it may, as the grievance of the petitioner does not survive, nothing more is required to be considered in the present writ petition.

The writ petition is disposed of in terms of the following order:

The 8 ft. wide way made available to the

petitioner as per the report dated 18/02/2016 filed on record alongwith map, by the Court Commissioner, shall be available to the petitioner till the disposal of the civil suit.

In the circumstances, the parties shall bear their own costs.

JUDGE