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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.5115 OF 2018

Kailas Shivaji Patil

PETITIONER

VERSUS

The Collector, Dhule and Others

RESPONDENTS

.....

Mr. Nilesh S. Desale, Advocate for the petitioner

Mr. S. M. Morampalle, AGP for respondent - State

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[CORAM : SUNIL P. DESHMUKH, J.]

DATE : 13th JUNE, 2018

ORDER :

1. Heard learned advocate for the petitioner, who contends that while documentary record may not ostensibly depict actual subsisting encroachment, a spot inspection would be necessary in the present case. He submits, accordingly an application had been moved before Collector, Dhule in dispute bearing No. 49 of 2017 seeking disqualification of respondent No. 3 on the ground of encroachment over government land, since respondent No.3 has been residing with encroachment over government land. He submits, it would be expedient to have spot inspection as requested under the application which is annexed at Exhibit-C to the writ petition.

2. Learned AGP, however, resists the request and purports to rely on a judgment and order of this court in the case of *“Ravikiran Abasaheb Deshmukh and Another V/s Additional Commissioner and Others”* reported in 2010 (3) Mh. L. J. 184. Learned AGP submits that this court had clarified position in respect of inquisitorial aspect of inquiry and has held that it is summary in nature. Learned, AGP, therefore, submits that the authority has not committed any error in rejecting the application, may be that the order does not ostensibly refer to the reasons underlying rejection.

3. Aforesaid submissions are not countered effectively by petitioner. Having regard to aforesaid position, it would not be appropriate to meddle with the ongoing proceedings before the authority. Writ petition does not carry any substance to invoke extraordinary powers of this court.

4. Writ petition is, therefore, not entertained and is disposed of.

[SUNIL P. DESHMUKH, J.]