IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

935 WRIT PETITION NO. 5913 OF 2017

VITTHAL SAHEBRAO MANE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Mr. U.M.Maske & Mr. S.B.Ghatol Patil, Advocates for Petitioner
Mr. S.Y.Mahajan, AGP for Respondents-State

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CORAM : PRASANNA B. VARALE AND MANGESH S. PATIL, JJ.

DATE : 21.11.2018

PER COURT :-

1. Heard the learned counsel for the petitioner. It was the grievance of the petitioner raised in the present petition that the Respondents / authorities have acquired 4 acres of land of the petitioner for the purposes of percolation tank but only 1 hector of land was shown to be acquired. Then it was submitted before this Court that the petitioner requested the authorities to undertake the exercise of re-measurement of the land and by the re-measurement of the land, the authority to specify the actual area acquired and then to grant compensation to the petitioner for the acquisition of the land. Along with the petition, the copies of

representations are placed on record in support of the submissions. Notice was issued by this Court on 03.05.2017. In response to the notice, affidavit-in-reply is filed on behalf of Respondent No.6 through Shri. Sureshchandra Madhukar Kedar, Sub Divisional Water Conservation Officer, in the office of Soil and Water Conservation Sub Division Ambad, District Jalna.

2. It is stated in the affidavit-in-reply that Respondent No.7, the Taluka Inspector of Land Record, Jintoor has issued notices for re-joint measurement of land Gat Nos.99 and 100 to the office of Respondent No.6 as well to the petitioner. Respondent No.7, on 21.11.2017, carried out the joint measurement. It is then stated that in the process of re-joint measurement in presence of the petitioner and the representative of Respondent No.6, it reveals that there is no difference in respect of acquired land. Along with the affidavit-in-reply, copy of the statement of the petitioner is also placed on record. The perusal of the said statement show that the exercise of verification is undertaken and the petitioner admitted in the statement that there is no difference in the area and the grievance raised by the petitioner is redressed by way of this verification and the

petitioner is satisfied by this exercise.

3. The learned counsel appearing for the petitioner made submission before this Court, on instructions, that the statement placed before this Court is not a true reflection of facts. It is submitted by the learned counsel for the petitioner that when the petitioner was approaching this Court with a grievance that no re-measurement exercise is undertaken, the authorities are submitting before this Court that the exercise of re-measurement is carried out and the petitioner is satisfied. The learned counsel then prayed for rejoinder affidavit to the affidavit-in-reply filed on behalf of Respondent No.6. Accepting the submissions of the learned counsel for petitioner and permitting the petitioner to file rejoinder countering the statements in the affidavit would only lead to enter in the arena of disputed questions of fact and we are not inclined to entertain the petition on the back drop of the disputed questions of facts and the allegation that the statement placed before this Court is not the true reflection of facts.

4. As such, the petition is disposed of with above observations.

5. If the petitioner is aggrieved by certain orders passed by the Revenue Authorities, the petitioner is at liberty to avail the remedies under law to challenge those orders within the frame work of provisions of law, if so advised.

(MANGESH S. PATIL, J.) **(PRASANNA B. VARALE, J.)**

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vmk/-