

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

WRIT PETITION NO. 3862 OF 2016

MARATHWADA KRUSHI VIDYAPITH THROUGH ITS REGISTRAR PURBA  
KONDIBA KALE

VERSUS

RANGNATH SATWAJI GAIKWAD AND OTHERS

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Advocate for the Petitioner : Shri Sakolkar Vijay G..

Advocate for Respondent 1 : Shri Patil Milind M. (Beedkar).

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**CORAM: RAVINDRA V. GHUGE, J.**

**DATE :- 05<sup>th</sup> January, 2018**

**Per Court:**

1           The Petitioner Agricultural University is aggrieved by the order dated 26.08.2015 passed by the Trial Court, by which, the application Exhibit-145 filed by the Petitioner/ Plaintiff for seeking issuance of summons to examine the Taluka Inspector of Land Records (TILR) in RCS No.170/2011, has been rejected.

2           I have considered the submissions of the learned counsel for the Petitioner and Respondent No.1. Respondent Nos.2 and 3, though served, have not entered an appearance either through an Advocate or in person.

3           The grievance of the Petitioner is that since the TILR has measured the land at issue and has prepared the map, it is necessary to

examine the TILR.

4 I find from the application Exhibit-145 that the Petitioner University has not assigned any specific reason as to why the surveyor from the office of the TILR, Parbhani is required to be examined. There is no dispute that the University relies upon the measurement carried out by the TILR and the map prepared by him. When the Petitioner University does not dispute the measurement and the map, which is already placed on record, it was incumbent upon the Petitioner/ Plaintiff to assign a specific reason for seeking issuance of summons to the surveyor from the office of the TILR, Parbhani.

5 It appears from the cross-examination of the Deputy Registrar of the Petitioner University before the Trial Court that the University admits of having acquired the land admeasuring 2 H and 46 R on the southern side of Basmat Road in Survey No.141/1. The said survey number has been divided into two parts. The acquired land is on the southern side. 28 Gunthas of land on the northern side is admittedly not acquired. In this backdrop, the Plaintiff was expected to assign a specific reason, which would have convinced the Trial Court to issue the summons to the surveyor from the TILR office.

6 Notwithstanding the above, the Trial Court has observed in the impugned order that at the juncture at which Exhibit-145 was filed, it would achieve no purpose in examining the surveyor. The option to the

Plaintiff is left open to produce relevant documents regarding the acquisition of land. As such, it appears that the Trial Court has left an option open to the Plaintiff to seek the examination of the surveyor/ TILR after producing relevant documents and after convincing the Court as regards the reasons for seeking the examination of the said witness.

7           Considering the above, this Writ Petition being devoid of merit is, therefore, dismissed.

*kps*

(RAVINDRA V. GHUGE, J.)