

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.15029 OF 2018
(Amrutrao Shankarrao Deshmukh and another Vs. The State of
Maharashtra and others)

IN
CIVIL APPLICATION NO.9467 OF 2018
IN
WRIT PETITION NO.12930 OF 2017

Mr.R.N.Dhorde h/f Mr.V.R.Dhorde, Advocate for the applicants.
Mr.S.R.Yadav, AGP for the respondent/State.
Mr.C.D.Biradar, Advocate for respondent No.5 in writ petition.
Mr.R.R.Mantri, Advocate for respondent No.13.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 17/12/2018

PER COURT :

1. CA No.9467/2018 was dismissed as against respondent No.14 since steps to serve the said respondent were not taken.
2. Learned Advocate for the respondents do not oppose the restoration of the civil application as against respondent No.14.
3. In view of the above, this application is allowed in terms of prayer clause "A". CA No.9467/2018 is restored as against the proposed respondent No.14. Learned Advocates have appeared on behalf of the other proposed respondents.

4. Issue notice to the proposed respondent No.14 in CA No.9467/2018, returnable on 18/01/2019. *Humdast* granted on request.

5. In the event of any measurement of the land at issue being undertaken by any statutory authority, the said measurement carried out, only by a statutory authority, would be recorded and preserved in a sealed envelope that would be delivered to this Court before the next date. Learned AGP would communicate this order to respondent Nos. 3 and 4 in the event such measurement is being conducted by any of these officers or statutory authorities. So also, any change in the suit property or possession in respect thereof, if occurs after the passing of this order, shall be subject to the result of the petition.

6. Mr.Dhorde, learned Sr.Advocate claims that the applicants are in possession since 1967. Mr.Mantri, learned Advocate representing proposed respondent No.13 submits that he is in possession. The apprehension voiced by Mr.Dhorde is that he is likely to be dispossessed by the proposed respondent Nos. 12, 13 and 14 with the aid of the police.

7. Considering the above, if any such situation occurs after the passing of this order, the learned Advocate for the applicant would be at liberty to move the Vacation Court subject to service of notice on the other side in advance.

(Ravindra V.Ghuge, J.)