

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 12043 OF 2017

Avimay Sohrab Hakim

..Petitioner

versus

District Superintendent of Land
Records, Satara & Ors.

..Respondents

Mr. Gautam Mehta with Mr. Nikhil Jayakar, Mr. Manish Acharya and Mr. Krishna Agarwal i/b. Vigil Juris for Petitioner.
Mr. B. V. Samant – AGP for State.

**CORAM: S. C. DHARMADHIKARI &
SMT. BHARATI HARISH DANGRE, JJ.**

DATE : 17TH JANUARY, 2018

P. C. :

1] After hearing both sides, we do not think that the writ petition should be kept pending. The only request is that an application filed by the petitioner seeking a survey, demarcation and marking of boundaries of the petitioner's property be dealt with and disposed of as expeditiously as possible

2] On the earlier occasion, we had indicated to the learned AGP that he must take instructions and find out whether the application is indeed disposed of. Now when the matter was placed today, it is stated by the learned AGP that the petitioner's application dated 29th January 2015 is still pending. That would be disposed of within a period of three months from the communication of this order.

3] We do not think that the petitioner's application can be kept pending and for three more months when it is lying unattended in the office of the 2nd respondent since 29th January 2015.

4] In these circumstances we direct that the application shall be disposed of as expeditiously as possible and within six weeks from today. No extension would be granted under any circumstances and in the event the application is not decided by the 2nd respondent within the time schedule stipulated by us he would have to pay costs personally and costs are quantified at Rs.50,000/-. Then the costs would have to be paid within a period of two weeks from the date of default and if they are not paid the amount shall be recovered from the monthly salary / emoluments of the 2nd respondent.

5] We direct that the moment our order and directions are complied with, the petitioner be supplied the documents, namely, the survey and demarcation maps, reports and boundary chart.

6] We are shocked and surprised that parties like the petitioner have to approach this Court seeking a writ of mandamus or a writ, order or direction in nature thereof under Article 226 of the Constitution of India to the Authorities like the 2nd respondent. The respondent no. 2 Collector, District Satara is the prime functionary under the Maharashtra Land Revenue Code, 1966 for Satara District. He has to operate this Code. The respondent nos. 1 and 3 are the officers reporting to him. The Collector must now ensure that all pending applications seeking a measurement, survey, demarcation / delineation of the properties of the applicants should be disposed of and by giving priority to the oldest pending applications. That should be disposed of serially and none of the

applicants should be forced to approach either the State Government or this Court seeking any directions in that regard. We would take a serious view of the lapse on the part of the Collector in issuing appropriate directions to his subordinates and ensuring a timely disposal of pending applications.

(SMT. BHARATI H. DANGRE, J.)

(S. C. DHARMADHIKARI, J.)

Chandka