

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.4407/2017

Suresh s/o Sitaram Meshram, Washim and Ors..vs..State of Maharashtra
through its Secretary, Revenue Department, Mantralaya, Mumbai and Ors.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. K. L. Dharmadhikari, A.G.P. for respondent nos. 1 and 2.
Mr. C. R. Najbile, Advocate for respondent nos. 3 and 4.

CORAM : S. B. SHUKRE,
DATED : JUNE 29, 2018

1. Nobody is present for the petitioners. The petitioners are absent. There is now an urgency in the matter, as submitted by the learned counsel for respondent nos. 3 and 4, because stay is in operation since about last one year.

2. Accordingly, I have heard Mr. Dharmadhikari, learned A.G.P. for respondent nos.1 and 2 and Mr. Najbile, learned counsel for respondent nos. 3 and 4. I have also gone through the impugned order passed by *Mamlatdar* and the documents placed on record.

3. It would be seen that there was no spot inspection taken as report of spot inspection was not to be found on the record of the case pending before the *Mamlatdar*. In a case where right of way is claimed, spot

inspection offers valuable assistance for determining the respective rights of the parties. Report of the spot inspection forms an important part of foundation of such a case. However, in the present case, an important part of the foundation of the case relating to the right of way of the parties has been missing.

4. Therefore, the view taken by the Additional Collector, Revenue in the impugned order dated 17.04.2017 cannot be said to be perverse or going against the settled principles of law. There is no merit in this petition. The petition deserves to be dismissed. The petition stands dismissed with costs.

JUDGE