

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

WRIT PETITION NO. 13517 OF 2018
WITH
CIVIL APPLICATION NO. 1163 OF 2019

Sindhu Machindra Jagtap ...Petitioner

Versus

The District Collector, Beed and Ors. ...Respondents

Mr C.V. Dharurkar, Advocate for Petitioner
Mrs P.V. Diggikar, Assistant Government Pleader for
Respondent Nos. 1 to 3
Mr N.P. Bangar, Advocate for Respondent No. 4

**CORAM : S.V. GANGAPURWALA AND
A.M. DHAVAL, JJ.**

DATE: 23rd JANUARY, 2019

ORAL ORDER :

1. The petitioner contends that the decree is passed in his favour on 30.06.1995. The petitioner is declared to be entitled to 1/33rd share. The share of the petitioner comes to 19 R. The decree has been referred to the revenue department under section 54 of the Code of Civil Procedure. Other sharers have been given possession, but the petitioner is not yet given the possession.

2. The learned Assistant Government Pleader submits that earlier notices were given to the petitioner to remain present. However, the petitioner was absent. Thereafter, notice was given to the petitioner to remain present on 14.09.2018. The Deputy Superintendant of Land Records was also directed to measure the land and give possession to the petitioner by fixing the boundaries. On 14.09.2018, the petitioner was present on the spot. However, some of the applicants restrained the officials to complete the procedure. In absence of Police protection, the

possession could not be handed over to the petitioner. There is no inaction on the part of the authorities.

3. It is said that it is easier to get the decree but difficult to execute it. The present petition appears to be illustration of the same. The decree is passed in the year 1995, as yet, fruits of the decree are not being enjoyed by the petitioner.

4. The revenue authority shall in accordance with the law, execute the decree as is passed by the Civil Court under section 54 of the Code of Civil Procedure, carving out the portion to be given in possession of the petitioner and put the petitioner in possession. If required, the Police protection may be asked for, the petitioner shall deposit charges of Police protection. The revenue authority shall deal with the same expeditiously and shall conclude the same within a period of six months from today.

5.. Mr Bangar, the learned Counsel submits that his possession may not be disturbed. He is subsequent purchaser. He is bound by the decree passed by the Civil Court. The same will be considered by revenue authority.

6. The writ petition is disposed of. No costs.

7. In view of the disposal of writ petition, Civil Application is disposed of.

(A.M. DHAVALÉ, J.)

(S.V. GANGAPURWALA, J.)

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