

IN THE HIGH COURT OF JUDICATURE OF BOMBAY  
BENCH AT AURANGABAD

WRIT PETITION NO.754 OF 2016  
(Ravindra Digamber Bidve and others Vs. The Chief Officer and  
others)  
WITH WRIT PETITION NO.600 OF 2016  
WITH WRIT PETITION NO.604 OF 2016  
WITH WRIT PETITION NO.612 OF 2016

Mr.P.C.Mayure, Advocate for the petitioners.  
Mr.A.V.Hon, Advocate for respondent No.1.  
Mr.N.R.Bhavar, Advocate for respondent No.2.  
Mr.Y.S.Choudhari, Advocate for respondent No.3.

( CORAM : Ravindra V.Ghuge, J.)

DATE : 04/01/2019

PER COURT :

1. An identical issue is raised by these petitioners in these petitions assailing the directions of the Trial Court in the impugned orders by which the Court Commissioner has been appointed, in the pending suits, for measurement of the lands of the litigating sides. The impugned orders are passed in January 2016. Issue in the suits is restricted to the proposed removal of encroachment allegedly done by these petitioners.

2. By order dated 21/01/2016 passed in these matters by this Court (Coram : V.K.Jadhav, J.), the measurements of the lands

pursuant to the impugned orders was permitted. It is informed that the measurement is conducted and the measurement reports are before the Trial Court.

3. The learned Advocates for the respective sides are agreeable to deal with the measurement reports as is provided under the Code of Civil Procedure and in the light of their pleadings before the Trial Court.

4. In the peculiar facts as recorded above, I do not find any reason to cause an interference in the impugned orders, though it shall be noted that the reports of measurements would be considered by the Trial Court in the respective suits on their own merits and in the light of the contentions of the litigating sides.

5. With the above observations, these petitions are disposed of.

6. Since the record reveals that the subject matter of the suits is an impediment for the expansion of the roads near Shri Sai Sansthan Prasadalay, Shirdi, which has caused a serious traffic bottle neck, the concerned suits preferred by these petitioners are expedited. The Trial Court would decide the said suits on or before 30/06/2019.

Considering the peculiarity of the matter, the Trial Court would refuse adjournments to the litigating sides if they are based on unreasonable grounds.

( Ravindra V.Ghuge, J.)