

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 1098 OF 2019

AFTAB AHMED SHAIKH AKHLAQ AHMED SHAIKH
VERSUS
THE DEPUTY SUPERINTENDENT OF LAND RECORD AND
OTHERS

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Advocate for Petitioner : Mr. Shaikh Mobin H.
AGP for Respondents No. 1 & 2 : Mr. S. P. Tiwari
Advocate for Respondent No. 3 :
Mr. S. S. Gangakhedkar

...

WITH

CA/7324/2019 IN WP/1098/2019

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CORAM: S. V. GANGAPURWALA &
ANIL S. KILOR, JJ.

DATE: 23rd SEPTEMBER, 2019

PER COURT:

1. The petitioner challenges the notice dated 21.01.2019 issued by the authority for measurement of the land.

2. Mr. Shaikh, the learned counsel for the petitioner submits that the petitioner has filed the civil suit and the same is pending. The averment is that one Surrayya Begum is the

original owner of the property. She has admitted that she had executed the Power of Attorney in favour of the petitioner and that she has received the consideration amount, however respondent no. 3 had committed forgery and executed Sale Deed in his own name. The same is illegal. The notice could not have been issued at the behest of respondent no. 3. The top land revenue authority is interested in the land of the petitioner.

3. The petitioner has already filed the civil suit before the civil Court. The petitioner can agitate all the grounds in the pending civil suit concerning the property and if his rights are infringed.

4. As the civil litigation between the parties is subjudiced before the civil Court it will not be appropriate to pass any orders in the present writ petition. The parties are at liberty to take steps as may be permissible before the competent civil Court or any other Court.

5. Writ Petition stands disposed of. No costs.

6. In view of disposal of the writ petition, the civil application also stands disposed of.

[ANIL S. KILOR, J.] [S. V. GANGAPURWALA, J.]

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