

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

921 CONT. PETITION NO.200 OF 2019
IN WP/11119/2016

MOHAMMED HAROON KHAN MOHAMMED KHUDABAX KHAN
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. Godbole R.jj
AGP for Respondents: Mrs. P.V. Diggikar
...

CORAM : **PRASANNA B. VARALE & AVINASH G. GHAROTE, JJ.**

...
Date: August 28th, 2019
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PER COURT :-

1 Heard learned counsel Mr. R.J. Godbole for the petitioner.

2 The grievance of the petitioner is that, in spite of order of the Division Bench of this Court dated 2.7.2009, directing the respondent authority to measure the plot of the petitioner within stipulated period of four weeks, from the date of the order, no steps were taken. For non-compliance of the order of this Court, present petition was filed.

3 Simple notice was issued to respondent No.2 by order dated 19.3.2019. In response to the notice, affidavit in reply is filed on behalf of respondent No.2 through one Mr. Ganesh Ramchandra Sonar, presently working as City Survey Officer. A specific statement is made in the affidavit in reply that prior to the order being passed by this Court, the exercise of measurement of the plot was already undertaken by the

authority. Due to certain difficulties, this fact could not be brought to the notice of this Court. It is stated in paragraph No.8 of the reply thus:-

“ Hence it is submitted that, the land measurement was done on 26.6.2015 itself and as such this was not brought to the Notice of this Hon'ble Court while passing the Order. As such, nothing remains to be further conducted or worked out, at the end of Office of the deponent and the petitioner had got remedy under Section 106 of Maharashtra Land Revenue Code, before the competent Revenue authority and for the reason mentioned in the above paras, contempt of purged against his deponent. ”

4 Considering the fact that, the grievance of the petitioner was already redressed, the Contempt petition is disposed of.

5 Needless to state that if the petitioner is aggrieved by the exercise of measurement of the plot carried-out by the revenue authority, may avail appropriate remedies to challenge the same before the competent forum i.e. revenue authority or a judicial forum. Needless to further state that if the petitioner undertakes such an exercise, if so advised, the forum would consider the challenge on its own merit.

(AVINASH G. GHAROTE, J.)

(PRASANNA B. VARALE, J.)