

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

WRIT PETITION NO. 11394 OF 2019

**SUHAS BHAGWAT RAHANE
VERSUS
NAGAR PARISHAD VALJAPUR THROUGH ITS CHIEF OFFICER
AND OTHERS**

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Advocate for the Petitioner : Shri N. P. Ghanwat

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CORAM : RAVINDRA V. GHUGE, J.

DATED : 18th SEPTEMBER, 2019.

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PER COURT :

1. The petitioner, who is original plaintiff in Regular Civil Suit No. 351/2010, is aggrieved by the impugned order dated 20/03/2018 challenged on 19/08/2019, by which, his application Exhibit 69 seeking re-measurement, has been rejected.

2. I have considered the submissions of the learned Advocate for the petitioner and have gone through the grounds formulated under paragraphs 4, 5 and 6. It is informed that the TILR who was already appointed as a court commissioner and has carried out the measurements and has presently

stepped in the witness box.

3. It is undisputed that a court commissioner was earlier appointed. He has measured the suit land and has submitted a report. He is being subjected to examination before the Trial Court. In this backdrop, there cannot be an order of re-measurement until it is established before the Trial Court that the TILR has failed in his duties as a court commissioner and his measurements, fixing the boundaries and his report are unreliable. In view of this legal position, I do not find that the impugned order could be termed as being perverse or erroneous. This petition, being devoid of merit is, therefore, dismissed.

(RAVINDRA V. GHUGE, J.)

shp/-