

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

906 WRIT PETITION NO.934 OF 2016

MAHESH SITARAM DHOLE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. Nagargoje Ankush N.
AGP for Respondents-State: Mr. A.B. Chate
Advocate for Respondent No.4: Mr. D.D. Pokharkar
Advocate for Respondent Nos. 5 and 6: Mr. K.N. Shermale
...

CORAM : V. K. JADHAV, J.
DATED : 12th DECEMBER, 2019

PER COURT :-

1. This writ petition has been preferred in connection with the interim order passed by the Tahsildar about the spot inspection and map drawn as per the spot panchnama. The petitioner has disputed authenticity of the said panchnama and the map and took the objection. Learned counsel submits that the learned Tahsildar has drawn panchnama contrary to the revenue record and even though the petitioner took the objection for the same, learned Tahsildar has not considered it.

2. Learned counsel for respondent no.4 submits that the Tahsildar has visited spot in presence of both the parties and drawn the panchnama and map as per factual position. Learned Tahsildar has to pass the order in terms of his spot inspection and the result thereof.

3. Learned counsel appearing for respondent nos. 5 and 6 has adopted the submissions made on behalf of the petitioner.

4. Learned AGP submits that the Tahsildar has visited the spot in presence of the parties and correctly drawn the spot panchnama.

5. On perusal of the impugned order passed by the Tahsildar, it appears that the learned Tahsildar has not considered the objections raised by the petitioner in its proper perspective. Even, the learned Tahsildar has not bothered to go through the revenue record pertaining to the said portion of land. It would be, therefore, just and necessary to direct the Tahsildar to visit the spot again in presence of both the parties and to draw the panchnama after considering the revenue record available. It would be also appropriate, if the Tahsildar shall dispose of the pending proceedings within six months from the date of this order, afresh, after giving opportunity of being heard to all.

6. Order accordingly.

7. The writ petition is disposed of.

8. Record and Proceeding shall be sent back forthwith.

(V. K. JADHAV, J.)