

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

WRIT PETITION NO.703 OF 2019

**RAMKISHAN NARAYANRAO KANADE AND ANR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

Mr.Mrigesh D. Narwadkar, Advocate for the
petitioners
Mr.A.R.Kale, AGP for the respondent/State

**CORAM : PRASANNA B. VARALE &
S.M.GAVHANE, JJ.**

DATED : 21.01.2019

P.C. :-

1. Heard learned counsel for the petitioners.

2. The petitioners are before this Court with a prayer that respondent Nos.2 and 3 be directed to strictly implement and execute order dated 14.09.2017 as expeditiously as possible.

3. In detail order dated 14.09.2017 the authority namely District Superintendent of Land Record by referring to the contention raised by the petitioner as well the reply to this contention raised by either side respondents then by referring the documents placed on record then also referring

to the relevant provision the District Superintendent of Land Records allowed the appeal filed by the petitioner partly. The District Superintendent of Land Records further directed his subordinate officer namely the Deputy Superintendent of Land Records to undertake exercise of measurement. The authority also refers if any civil suit is pending in respect of very property, order of the authority would be subjected to the decision of the civil Court.

4. Considering this aspect, we have no reason to assume and presume that the order passed by the authority District Superintendent of Land Records would be kept in abeyance by his subordinate officers. On the contrary the petitioners themselves has placed on record a notice issued by the Deputy Superintendent of Land Records office dated 12.04.2018 the parties are directed to assist the Officer to undertake the exercise of measurement by remaining present on the spot by making necessary arrangement. It is the submission of the learned counsel for the petitioner that thereafter, there is no progress in the matter. As such the petitioners are before this Court.

5. Considering all above referred facts and also submissions of the learned counsel for the petitioners, we are not inclined to entertain the petition, if the petitioners approached the authority more particularly respondent No.4 the Deputy Superintendent of Land Records, Parbhani for expediting steps, the authority may consider that application and to take appropriate steps as per the provision of law.

6. With this observation, the petition is disposed of.

[S.M.GAVHANE,J.]

[PRASANNA B. VARALE, J.]