

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 9655 OF 2017

Mrs. Sarojini Jaysingh Prabhu wd/o. Late
Jaysingh Vasant Prabhu & Anr.

...Petitioners

Versus

The Collector, District Sindhudurg & Ors.

...Respondents

...

Ms. Naziya M. Bhaldar for Petitioners.

Mrs. K.R. Kulkarni, AGP for Respondent – State.

...

**CORAM : S. S. SHINDE &
N. B. SURYAWANSHI, JJ.**

DATE : 7th OCTOBER 2019

PER COURT :

1. All the Respondents are served and appearance of Advocate Mr. Sanskar Marathe is also put forth to represent Respondent No. 6, however, none appears for Respondent No. 6.

2. Learned counsel appearing for Petitioners during the course of her arguments restricted the reliefs claimed in the petition in terms of prayer clause (a) to (c).

3. Learned counsel for the Petitioners submit that, Petitioners have already deposited the fees for measurement of subject land. It is submitted

that, Respondent No. 6 is causing impediment in said measurement, therefore, directions may be given to Respondent Nos. 1 to 4 to carry out the measurement of the subject land in accordance with relevant rules/procedure.

4. On the other hand, learned AGP appearing for Respondent Nos. 1 to 4 relying upon the affidavit in reply filed by Mr. Rajendra Manohar Rasal, working as Incharge Deputy Superintendent of Land Records, Malvan, District Sindhudurg, submits that, there is an alternate efficacious remedy to the Petitioner provided under Maharashtra Land Revenue Code, and therefore, the Petitioner would approach to appropriate forum. It is further submitted that, Respondent Nos. 1 to 4 have shown willingness to consider request of Petitioners to carry out measurement, however, Petitioners are not able to show boundaries of the land received by them in the partition.

5. Heard learned counsel for Petitioners and Learned AGP appearing for Respondent Nos. 1 to 4. With their able assistance perused pleadings in the petition, grounds taken therein, annexures thereto and reply filed by Mr. Rajendra Rasal. In Para 6 of the affidavit in reply it is stated that, Respondents are ready to carry out measurement of the subject land in accordance with law. In view of said statement made in the affidavit in reply, it may not be appropriate to relegate the Petitioners to alternate remedy. An ends of justice would be met in case Respondent Nos. 1 to 4 are directed to

measure the subject land and complete said measurement in accordance with relevant procedure including giving notices to the affected parties, if already those are not given and complete the entire process as expeditiously as possible, however, within 10 weeks from today.

6. Needless to observe that, Respondent Nos. 1 to 4 shall take effective steps keeping in view the time stipulated for carrying out the said measurement, otherwise they will be held jointly responsible.

7. Needless to observe that, Petitioners and all other concerned shall extend full co-operation for measurement of subject land including submitting relevant papers of partition, in case those are already not submitted. With the above observations, writ petition stands disposed of.

8. Parties to act upon an authenticated copy of this order.

(N. B. SURYAWANSHI, J.)

(S. S. SHINDE, J.)