

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO.1393 OF 2020

Shivdatta s/o. Bhikaji Doke,
 Age 45 years, Occu. Business and Agri.,
 R/o. Samarth Nagar, Bhoom,
 Tal. Bhoom, Dist. Osmanabad.

.. PETITIONER

VERSUS

1. The State of Maharashtra
 Urban Development Department,
 Through its Chief Secretary,
 Mantralaya, Mumbai.
2. The Divisional Commissioner,
 Divisional Commissioner Office,
 Aurangabad.
3. The Collector,
 Collector Office,
 Osmanabad.
4. The Superintendent of Police,
 S.P. Office, Osmanabad.
5. The Deputy Director Land Record,
 Aurangabad Division Aurangabad.
6. The Deputy Superintendent
 of Land Record Bhoom,
 Dist. Osmanabad.
7. Town Planer,
 Osmanabad.
8. The Chief Officer,
 Nagar Parishad Bhoom,
 Dist. Osmanabad.
9. Bajirao Sahebrao Shelke,
 Age : Major, Occu. Agri.,
 R/o. Bhoom, Tq. Bhoom,
 Dist. Osmanabad.

.. RESPONDENTS

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Mr. Ganesh J. Kore, Advocate for Petitioner
 Mr. S. J. Salgare, APP for Respondents No. 1 to 5

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**CORAM : T. V. NALAWADE AND
SHRIKANT D. KULKARNI, JJ.**

DATE : 3rd NOVEMBER, 2020

ORDER :-

The present petition is filed for direction against respondents No. 1 to 5 to register crime against respondents No. 6 to 9. Heard learned counsel for the petitioner and learned APP.

2. It is the contention of petitioner that he has some propriety interest in land survey No. 238 situated at Bhoom Tahsil Bhoom, District Osmanabad. It is contended that one Bajirao Sahebrao Shelke has prepared a bogus measurement map of this land and he has used that map for getting NA order. It is contended that he had objected to grant of such permission as actual measurement was not made. In the representation dated 04-02-2020 addressed to Town Planner, Osmanabad. He had contended that in one proceeding filed by Bajirao Shelke, due to his objection, proceeding was dismissed. The stay order was given under the provisions of Section 256 of the Maharashtra Land Revenue Code to that measurement according to him.

3. In the said representation, he contended that false seal was also used on the map and the aforesaid person had tried to deceive the Government and so criminal action needs to be taken against him. In the representation dated 04-02-2020 addressed to Chief Officer of Nagar Parishad, Bhoom, he made similar allegations and requested for taking action against aforesaid person. Then, he gave notice of agitation to Collector on 17-08-2020 and he requested to register the crime against aforesaid person. It is the contention that on the basis of false map,

aforesaid persons had obtained some technical sanction from the office of Town Planner. In the present proceeding it is the contention of present petitioner that there is record with him to show that surveyor has specifically denied that the map was prepared by him and so action ought to have been taken against aforesaid person. It appears that the respondent- Bajirao wants to develop that property for that he wanted to get some orders like N.A. order. Thus, the purpose of map was to show plots.

4. The copy of 7/12 extract of Gut No. 238 is also produced and it shows that there is name of Bajirao Sahebrao Shelke as owner for some portion of land. There are many other names of owners. The name of present petitioner is also there to show that he is also owner of some portion of the land. The 7/12 extract shows that some portions of land are specifically shown as jointly owned and some portions are not shown as jointly owned by the persons and specific portions are mentioned against those persons.

5. The aforesaid circumstances show that there is possibility of some civil dispute between present petitioner and aforesaid person. The aforesaid person wants to develop the property. Only on the basis of aforesaid contentions, it cannot be said that the aforesaid person acted against interest of the present petitioner or he deceived somebody. Whether aforesaid map was created with dishonest intention cannot be ascertained in the proceeding like present one. Further, photostat copy of the so-called map produced on record shows that it is only development plan prepared in respect of the some portion. In view of this circumstance, this Court holds that it is not a fit case in which it is

necessary to exercise writ jurisdiction. The petitioner needs to substantiate his contention and that can be done by filing appropriate proceeding. Petitioner is interested in preventing that person from developing his portion.

6. With aforesaid liberty, present proceeding stands disposed of.

Sd./-

[**SHRIKANT D. KULKARNI**]
JUDGE

Sd./-

[**T. V. NALAWADE**]
JUDGE

MTK