

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

8 WRIT PETITION NO.1203 OF 2020

BABAN KISAN BORUDE
VERSUS
POPAT KONDIRAM BORUDE AND OTHERS

...
Advocate for Petitioner : Mr. Kasar Rajendra S.

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**CORAM : ROHIT B. DEO, J.
DATED : 24th JANUARY, 2020.**

PER COURT:-

. The petitioner is the plaintiff in R.C.S. No.373 of 2011 brought for demarcation of boundaries and perpetual injunction.

2. The plaintiff preferred an application Exhibit-95 to summon the Land Revenue Officer Shri Thokal, who conducted survey of the suit property pursuant to an order in R.T.S. No.16/2011. The plaintiff contended that the said officer be summoned with the documents of survey and demarcation.

3. By the order impugned dated 14.10.2019, the application Exhibit-95 is rejected on the ground that the proceedings in R.T.S. Appeal No.16/2011 were held to be without jurisdiction in Second Appeal T.R.S No.381/2015. The Trial Court recorded the submission of the defendants that in second appeal, it is held that the jurisdiction to

demarcate boundaries lies with the Collector in view of the provisions of Section 136 of Land Revenue Code. It is in this view of the matter that the Trial Court was pleased to reject the application to summon Shri Thokal.

4. I do not see any error in the order impugned.

5. The learned counsel for the petitioner states that the order in Second Appeal T.R.S. No.381 of 2015 is challenged in revision. The petitioner is free to renew the request if the revision is allowed. Even otherwise, the petitioner is at liberty to take such steps as are permissible to measure suit property and if any application is preferred on these lines, the same shall be considered by the Court on its own merits and in accordance with law.

6. The petition is disposed of.

(ROHIT B. DEO, J.)