

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

WRIT PETITION NO.11184 OF 2021

MOHIUDDIN RUKNODDIN SHAIKH

..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Ms. Sabahat T. Kazi, Advocate for the Petitioner.

Mr. S. B. Pulkundwar, AGP for Respondents-State.

...

**CORAM : S. V. GANGAPURWALA &
R. N. LADDHA, JJ.**

DATED : 07th OCTOBER, 2021.

PER COURT:-

1. We have heard Ms. Kazi, learned counsel for the petitioner.

2. The learned counsel for the petitioner submits that, the petitioner is the owner and the possessor of the plot admeasuring 20 ft. x 12 ft out of CTS No.1078/A situated at Shahada, Taluka Shahad, Dist. Nandurbar. The petitioner has purchased the said property from the legal heirs of the original owners. The name of the petitioner is also entered in the Property Register Card of CTS No.1078/A.

3. According to the learned counsel for the petitioner, notices are issued by the Municipal Council without following the proper procedure and without authority. The measurement notice is also

issued on 29.09.2021, however, the land of the petitioner is not mentioned in the measurement nor the notice is issued to the petitioner.

4. To establish the ownership and possession, the petitioner has remedy before the Civil Court. The Civil Court would be in a better position to evaluate the evidence, the issues of possession and the ownership. The petitioner may avail the remedy as may be permissible under law.

5. So far as measurement is concerned, if the measurement takes place behind the back of a person, the person can always agitate that the measurement is not binding, as it is not conducted in his presence. More over, the petitioner also has remedy to challenge measurement, if it is not in accordance with law by filing an Appeal and resorting to the Nimtana measurement.

6. The petitioner can also measure his property by filing application to the TILR.

7. In view of the aforesaid facts, it is not necessary to entertain the petition.

8. Writ Petition is disposed of with aforesaid observations. No costs.

(R. N. LADDHA)
JUDGE

(S. V. GANGAPURWALA)
JUDGE