

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

WRIT PETITION NO.12392 OF 2021

KASHINATH MARUTI NAWALE AND OTHERS ..PETITIONERS

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

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Mr. R. G. Ambetkar, Advocate for the Petitioners.

Mr. P. S. Patil, AGP for Respondents-State.

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

DATED : 15th NOVEMBER, 2021.

PER COURT:-

1. Mr. Ambetkar, learned counsel for petitioners submits that, after 46 years the application is made by respondent no.7 for correction of the consolidation record. The same is not maintainable after a long slumber of 46 years. The application was made before respondent no.3. He transferred the said application to respondent no.4 and now the measurement has been ordered. The same is illegal and not permissible.

2. The learned A.G.P. accepts notice for respondent nos.1 to 6.

3. In case, land of the petitioner is involved, the petitioner is at liberty to raise objection before the authorities concerned. All

grounds of objections are open for petitioner to be raised such as limitation, maintainability and all other aspects on merits also before the authority. Only by conducting measurement the decision is not being taken.

4. As the petitioner would have occasion to raise objections and contest the application filed by respondent no.7 on merits also, we are not inclined to entertain the writ petition.

5. Writ Petition is disposed of keeping all points open and in view of the observations made above. No costs.

(R. N. LADDHA)
JUDGE

(S. V. GANGAPURWALA)
JUDGE