

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH : NAGPUR.

CRIMINAL WRIT PETITION NO.840/2019

Smt. Shalini Wd/o Madan Puri

..Vs..

State of Maharashtra and others

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri Sudhir Malode, Advocate for the petitioner.
Ms T.H. Khan, A.P.P. for respondent Nos.1 to 5, 8 and 9.

CORAM :- SUNIL B. SHUKRE AND
AVINASH G. GHAROTE, JJ.

DATED :- 13.1.2021.

1. Heard Shri Malode, learned counsel for the petitioner and Ms T.H. Khan, learned A.P.P. for respondent Nos.1 to 5, 8 and 9.

2. By this petition, the petitioner is seeking a direction from this Court to respondent Nos.1 to 4 regarding initiation of criminal prosecution against respondent Nos.10 to 12 that land Survey Nos.54, 59 and 60 belongs to petitioner and from these lands respondent Nos.10 to 12 are illegally excavating the murum and thereby causing loss of huge amount to the government. In other words, the petitioner expects that the offence of theft be registered against these respondents and further action, as may be justified in law, be taken against them by the respondent Nos.1 to 4.

3. In order to issue any such direction, it would be necessary, as a first stage, that the petitioner, on revenue record, shows that he is the owner of land Survey Nos.54, 59 and 60 all the more so because from the compliant dated 20.5.2016, it is seen that it is the own contention of the petitioner that the name of the petitioner as owner of these survey numbers has been wrongly taken off from the revenue records and these lands have been shown to be belonging to the State Government. In the circumstances, it is necessary for the petitioner to get corrected entries in the revenue records and then proceed further in accordance with law. Unless and until this is established first, no direction as stated by the petitioner here can be issued.

4. Alternatively, if it is the contention of the petitioner that even the record shows that she is owner of these lands so far as illegal excavation of murum going on is concerned, nothing would prevent the petitioner from filing of a private complaint against the culprits for the offence of destroying her land.

5. In this view of the matter, we are not inclined to entertain this petition. The petition stands dismissed as devoid of any merit.

JUDGE

JUDGE