

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

WRIT PETITION NO.6698 OF 2022

**GANESH UTTAMRAO MAGARE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND OTHERS**

...
Advocate for the Petitioner : Shri Agale Attdeep Kacharu
AGP for the Respondents/State : Ms.R.P. Gaur
...

**CORAM : RAVINDRA V. GHUGE
&
SANJAY A. DESHMUKH, JJ.**

DATE :- 10th October, 2022

Per Court :-

1. The petitioner submits that in the proceeding against six individual respondents initiated on 25.05.2004 before the Deputy Collector, General Administration, Aurangabad, the verdict was delivered on 09.05.2013, after nine years. Thereafter, the petitioner started pursuing the Tahasildar, Paithan to implement the said decision. His representations are on record from page Nos.40 to 47. On 02.02.2019, the Tahasildar, Paithan, directed the Talathi, Sajja Kavsan, Taluka Paithan, to initiate appropriate steps towards execution. It is the contention of the petitioner that the matter is now closed for orders on the

execution proceeding before respondent No.4/ Tahasildar since 2019.

2. Considering the above, it would be appropriate for this Court to direct the Tahasildar to hear all the parties to the execution proceeding as three years have already passed, as per the petitioner, when the matter has been closed for orders.

3. In view of the above, this Writ Petition is disposed off with the following directions :-

(a) Respondent No.4 would issue notice to the petitioner as well as the six respondents, who are not arrayed in this petition but were parties to the original proceedings, within two weeks from today and commence the hearing.

(b) After considering the response of all the stakeholders and after giving adequate opportunity of hearing, the Tahasildar would pass appropriate orders, on or before 15.12.2022.

(c) Needless to state, the above direction shall be implemented by the Tahasildar in the event he has not decided the execution proceeding by now.