

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

48 WRIT PETITION NO.5371 OF 2022

**DABHAD SAHAKARI AUDYOGIK VASAHAT LTD THROUGH ITS CHAIRMAN
RAMCHANDRA KISHANRAO DABHADKAR
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS**

Mr.A.A. Mukhedkar, Advocate for the petitioner.
Mr.S.G. Sangle, AGP for respondent/State.

**CORAM : RAVINDRA V. GHUGE &
 ANIL L. PANSARE, JJ.
DATED : 13.06.2022**

PC :-

01. The petitioner has putforth prayer clauses (B) and (C), which read as under :-

“B] By issuing a Writ of Mandamus or any other appropriate Writ or order of a like nature, the respondent no.6-Deputy Superintendent of Land record at Ardhapur, District Nanded, may please be directed to carry out measurement of lands of the petitioner bearing Gut No.116 admeasuring 7 Hector 24 Aar and Gut No.180 admeasuring 5 Hector and 17 Aar situated at Dabhad, Tq. Ardhapur, District Nanded, within some stipulated period, as per application for measurement submitted by petitioner on 17-04-2015 and 27-10-2020.

C] The respondent no.7-Superintendent of police at Nanded may please be directed to provide police protection during the process of measurement of lands of petitioner, as per application seeking police protection submitted by petitioner on 28-12-2021.”

02. The above prayers appear to be innocuous. However, after considering the strenuous submission of the learned Advocate for the petitioner and the learned AGP, we find that though the petitioner has deposited an amount of Rs.31,500/- on 16.03.2015 and Rs.40,000/- on 31.07.2021, towards land measurement charges, we find that there are several disputed issues. About 8 persons have preferred an application on 04.01.2022, who are not party to this petition, addressed to the Dy. Superintendent, Land Records, Ardhapur, Dist. Nanded, indicating that the measurement as sought by the petitioner should not be carried out as they have an interest in the land at issue. They have also pointed out that this petitioner had initially preferred Special Civil Suit No.467 of 2008 and same has been dismissed by judgment dated 27.12.2019. It is also brought on record that the petitioner then preferred a Misc. Civil Application No.369 of 2019 and the same is pending.

03. The learned Advocate for the petitioner submits that the petitioner has not made any statement in the pleadings of this petition as to what was the Special Civil Suit and the order dated 27.12.2019 and as to what was the Misc. Civil Application No.369 of 2019. The District Superintendent, Land Record, Nanded has addressed a communication to the

Dy. Superintendent, Land Records, Ardhapur with regard to lack of Police Bandobast for carrying out measurement of said land of Gat Nos.166 and 180 on 05.01.2022. This communication indicates that there are certain over tones to the request of measurement putforth by the petitioner.

04. The learned Advocate for the petitioner informs us that there was a public interest litigation No.127 of 2016 with regard to the measurement of land Gat No.116 and 180. By order dated 9th April, 2018 this Court did not express any opinion on the merits of the contentions raised in the petition and disposed of the PIL in the light of the statement made by the State that appropriate steps for removal of encroachment would be taken.

05. Though the learned Advocate for the petitioner submits that the encroachment has been removed, we are circumspect as to whether such encroachment has really been removed, or as to whether there was any encroachment surviving in the light of the disputed issue raised by eight persons vide their communication dated 04.01.2022 at page No.120.

06. The petitioner has preferred to hold back the details of the Special Civil Suit No.467 of 2008 and it's dismissal on 27.12.2019. So also Misc. Civil Application No.369 of 2019 is also suppressed. In the pleadings of the petitioner in the petition memo, we did not find any statement as regards these proceedings. This would, therefore, amount to suppression of facts and the Hon'ble Apex Court has ruled in Kishor Samrite Vs. State of UP & Ors., (2013) 2 SCC 398 and Bhaskar Laxman Jadhav & Ors. Vs. Karmaveer

Kakasaheb Wagh (2013) 11 SCC 531 that if a litigant has suppressed information from the Court, the litigant should be deprived of relief as it is not within his domain to decide whether to filter any information from this Court. On the ground of suppression, we are not inclined to entertain this petition. Moreover, if the petitioner has not approached the Civil Court for seeking directions for measurement of his land, he is at liberty to do so.

07. In view of the above, this petition is dismissed.

[ANIL L. PANSARE,J.]

[RAVINDRA V. GHUGE,J.]