

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.8808 OF 2021

BALBHIM BABURAO CHAVAN
VERSUS
THE ADDITIONAL DIVISIONAL COMMISSIONER AND OTHERS

Mr.Pa.Bharat h/f Mr.D.A.Mane, Advocate for the petitioner.
Mr.P.S.Patil, AGP for respondent Nos. 1 to 4.

(CORAM : RAVINDRA V. GHUGE AND
S.G. DIGE, JJ.)

DATE : APRIL 11, 2022

PER COURT :

1. At the request of the petitioner, this Court permitted him to add Pandurang Patil as respondent No.5, by order dated 12.08.2021. The Court notice is processed. It is reported that Pandurang has passed away. Now the learned Advocate for the petitioner submits that Pandurang is not a necessary party. We cannot permit the litigant to approbate and reprobate at the same time. On costs of Rs.500/-, to be deposited in this Court within three weeks from today, we grant leave to the petitioner to delete respondent No.5 at his risk.

2. In so far as the implementation of the order passed by the

Revenue Authority u/s 143 of the MLR Code, the learned AGP points out the affidavit in reply filed by the Nayab Tahsildar, Tahsil Office, Lohara, Sau. Sujata Balasaheb Hankare, wherein it has been stated in paragraph No.5 that on 14.09.2020, the Circle Officer, Jawali has conducted the panchnama in the presence of the petitioner and has removed the obstruction over the road.

3. In view of the above and by recording the said statement in the light of paragraph No.5, this petition stands disposed off.

(S.G. DIGE, J.)

(RAVINDRA V. GHUGE, J.)