

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 7485 OF 2021**

Balasaheb Genaba Kingare and another ... Petitioners

Versus

Municipal Commissioner,
Pune Municipal Corporation and others ... Respondents

.....

Mr. Balasaheb Genaba Kingare, Petitioner, present in person.

Ms. Manisha Jagtap alongwith Mr. Mayuresh Ingale for Respondent No.1 – PMC.

Ms. Neha Bhide, 'B' Panel Counsel for the State.

Mr. Tejesh Dande alongwith Mr. Bharat Gadhavi, Mr. Vishal Navale, Mr. Aniket Aghade, Mr. Chinmay Deshpande and Mr. Vikrant Khare instructed by Tejesh Dande & Associates for Respondent Nos.4 and 5.

Mr. A. Gupta, Commissioner, present.

Respondent No.4 present, through video-conference.

Respondent No.5 present.

Mr. Dnyaneshwar Balwadkar, present.

.....

**CORAM : S.J. KATHAWALLA AND
MILIND N. JADHAV, JJ.**

DATED : MARCH 7, 2022.

P.C. :-

1. By the above Writ Petition, the Petitioners seek the following reliefs :

“(a) The Hon’ble Court be pleased to call record and proceedings with Respondent Nos.1, 2, 3 and after going through the same and satisfying about the legality and order dated 03/01/2019 passed by Dy. Superintendent of Land Record, Haveli may please quash and set aside by issuing writ or any other writ/order and direction and order for restoring approach of Petitioners to their property may please be restored for enjoying the benefit of Petitioners property as per boundary fixed by Respondent No.2 and Petitioners are using for more than 30 years.

(b) As Respondent No.4 and 5 had admitted that their land is as per map and Petitioners land is also accordance with M.R. No.5319/2007 hence appropriate

writ or any other writ or order and directions or order to settle the boundary of land 44/6/1 and 44/12 as per the boundary of M.R. No.5319/2007.”

2. Certain photographs were produced before us by the Petitioner No.1 alleging that Respondent Nos.4 and 5 alongwith their family members have entered the plot of land in their possession and tried to intimidate him and his wife. The photographs produced before this Court are reproduced hereunder :







3. One of the photographs also shows a police official who has posed for a photograph himself during the happenings on the said plot and is smiling. We had therefore asked the Commissioner of Police to look into the grievance of the Petitioners and take action in accordance with law. The Police Commissioner has informed us that he has gone through the papers and has after hearing the Investigating Officer from the concerned Police Station given instructions to file an FIR against the erring parties. It is for the Police Authorities to take necessary action in the matter which they will take in accordance with law without being influenced by our Orders.

4. The Petitioner No.1 states that since Respondent Nos.4 and 5 and their family members are well-connected, the Petitioners apprehend that they will be physically attacked by Respondent Nos.4 and 5 and their henchmen. He therefore, submits that the Police Commissioner be directed to provide round the clock police protection to them. The Police Commissioner shall look into the apprehension expressed by the Petitioner No.1 and provide necessary protection.

4. As far as the reliefs sought by the Petitioners in the Writ Petition is concerned, by consent of the parties, we pass the following Order :

- (i) Order dated 3rd January, 2019 is set aside.
- (ii) The Deputy Superintendent of Land Record shall hear all the concerned parties and pass a fresh speaking order as per the boundary of M.R. No.5319/2007,

within a period of four weeks from today.

(iv) The above Writ Petition is accordingly disposed off.

(MILIND N. JADHAV, J.)

(S.J. KATHAWALLA, J.)