

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

WRIT PETITION NO.7520 OF 2019

Nivindra Marotrao Raut
Vs.
Mahadeo Ramaji Mhala and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. Deepak S. Khushalani, Advocate for petitioner.
Mrs. M. A. Barabde, AGP for respondent nos.2 and 3.

CORAM : AVINASH G. GHAROTE, J.
DATE : 25/07/2022

Heard Mr. Khushalani, learned counsel for the petitioner. It is contended that the impugned order dated 16.7.2019 passed by the learned Mamlatdar and the order dated 11.9.2019 in revision passed by the learned Sub-Divisional Officer are incorrect on the ground that there has been no measurement of the respective lands of the petitioner and respondent no.1. Though, the petitioner is claimed to have measured the land, the respondent no.1 is avoiding to do so. Though, it is contended that the measurement of the land is necessary, for determining the water way, in my considered opinion, this is not necessary for the reason that it is not a title dispute between the petitioner and the respondent no.1. Both the authorities i.e. the learned Mamlatdar as well as the learned Sub-Divisional Officer, had personally visited the spot and have

rendered the finding that the original water way has been blocked and a new water way has been created to divert the flow of water and therefore, a direction is issued to restore the old water way. Upon perusing the material on record, and the order dated 16.7.2019 and 11.9.2019, I do not find any reason to interfere in the concurrent finding, as what has been directed is to restore the old water way. There is therefore, no merit in the petition. The petition is dismissed.

JUDGE

Sarkate