

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

**940 WRIT PETITION NO.8619 OF 2021
WITH CA/16302/2022 IN WP/8619/2021**

**SANDHYA BHASKAR NARKHEDE THR ITS POWER OF ATTORNEY
BHASKAR RAMU NARKHEDE
VERSUS
THE STATE OF MAHARASHTRA THR ITS SECRETARY AND OTHERS**

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Advocate for Petitioners : Mr. Nirmal Ravindra
AGP for Respondent No. 1 : Mr. S. J. Salgare
Advocate for Respondent No. 3 : Mr. V.B. Patil
Advocate for Respondent No. 4 : Mr. R.S. Shinde h/f Mr. D.B. Thoke
Advocate for Respondent No 5 : Mr. L.V. Sangit.

**CORAM : MANGESH S. PATIL &
S. G. CHAPALGAONKAR, JJ.**

DATE : 07.01.2023.

PER COURT :

We have heard learned advocates of both the sides.

2. It appears that there is a dispute as regards the actual dimension of the respective properties of the petitioner on the one hand and the respondent Nos. 4 and 5 on the other. Admittedly, a 24 meter wide road intervenes these two properties. Though there are several other allegations and counter allegations, we feel that it would be appropriate to direct a joint measurement to be carried out and depending upon the result of such measurement the parties would be able to take their own decision.

3. True it is that the respondent-Corporation appears to have intimated the petitioner to undertake a joint measurement way back in the year 2015 but he had not responded to. We are not deciding the rival claims. Therefore, irrespective of the conduct of the petitioner's predecessor of not responding to this correspondence of 2015, the heavens are not going to fall

if we direct a joint measurement at the expense of the petitioner and respondent Nos. 4 and 5 to be equally divided.

4. We dispose of the writ petition by directing the parties to undertake a joint measurement at the expense of the petitioner and respondent Nos. 4 and 5 in equal proportion. We hope and trust that they would cooperate and let the Survey Office carry out the measurement at the earliest.

5. It is made clear that we have not expressed anything on merits.

6. Pending Civil Application is disposed of.

(S. G. CHAPALGAONKAR, J.)

(MANGESH S. PATIL, J.)

mkd/-