

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

WRIT PETITION NO.4527 OF 2022

**RAVINDRA SOPAN KHATIK
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...
Advocate for Petitioner : Mr. S. S. Wagh h/f Mr. Dond Manoj A.
AGP for Respondents/State: Mr. A. S. Shinde
...

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

DATE : 04.01.2023

PER COURT :

1. Heard learned advocate Mr. S. S. Wagh for the petitioner and the learned AGP.
2. Though the petitioner has not articulated the prayer clause – B and is seeking a relief for quashment of the communication dated 10.03.2022 addressed by the respondent No.3/Tahsildar to the office of the land records, it transpires during the course of arguments that, he is aggrieved by the fact that the impugned communication requires the Deputy Superintendent of Land Records to insist and recover the measurement charges for undertaking the measurement, when according to the Government decision dated 27.02.2018, the Government has decided that no such fees should be charged when a proposal is received from a Grampanchayat for removal of encroachments made on boundary ways.

3. The Government decision dated 27.02.2018 expressly mentions that, if and when a proposal is received from the Grampanchayat about encroachment by agriculturist on the boundary ways, the Tahsildar is expected to undertake an exercise for removal of encroachment by resorting to measurement at the State expenses.

4. The petitioner has annexed with the petition the resolution passed by the Grampanchayat Patharwala dated 27.12.2021 resolving to move the Tahsildar for removal of the encroachment and the subsequent communication by the Sarpanch of the village to the Tahsildar dated 17.01.2022. It is apparent, therefore, that the proposal is received by the respondent No.3 – Tahsildar for removal of encroachment from the Grampanchayat, which is a precondition for exemption from charging measurements fees.

5. In spite of such a state of affairs, the impugned communication *inter alia* directs/requires the Deputy Superintendent of Land Records to recover such fees from the respective land holders. Such a direction clearly runs afoul with the Government's decision (*supra*).

6. We allow the writ petition and quash and set aside the impugned order and declare that no such fees for measurement shall be insisted for from the agriculturist as is indicated in the impugned communication dated 10.03.2022.

(S. G. CHAPALGAONKAR, J.)

(MANGESH S. PATIL, J.)

Sameer