

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

WRIT PETITION NO.7887 OF 2023

GINYANDEO CHAPLA RATHOD
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY
AND OTHERS

...

Mr. S. D. Jaybhar h/f Mr. D. R. Jayabhar, Advocate for the
Petitioner.

Mr. S. B. Yawalkar, AGP for Respondents-State.

Mr. P. D. Suryawanshi, Advocate for Respondent No.5.

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**CORAM : RAVINDRA V. GHUGE AND
Y. G. KHOBRADE, JJ.**

DATE : 10th JULY, 2023.

PER COURT:-

1. The petitioner contends that after land admeasuring 1.31 R in Gut No.214, out of a total land admeasuring 2H 40R, was acquired by the State Government for construction of percolation tank, Amburi, he has 1H 09R available for agricultural activities. The back water has submerged this portion.

2. The learned AGP points out that the Talathi had visited the spot to carry out a panchanama in the presence of the petitioner and even the panchas, the petitioner and the Talathi could not identify as to whether the petitioner was indulging in agricultural activities in that piece of land, which was acquired or in the remainder land, which is available for agricultural activities. He, therefore, submits that the petitioner may apply to

the Deputy Superintendent of Land Records for measurement of the land that was acquired and the remainder land that is available for agricultural activities and only thereafter, the picture would be clear. The petitioner is agreeable.

3. In view of the above, **this petition is disposed off.** If the petitioner deposits the requisite fees for carrying out the measurement of his land, the concerned Deputy Superintendent of Land Records shall carry out the measurement by issuing advance notices to the parties concerned, within 30 days from the date of depositing the fees. Thereafter, the petitioner would be at liberty to avail of the legal remedies as are permissible in law.

(Y. G. KHOBRAGADE)
JUDGE

(RAVINDRA V. GHUGE)
JUDGE