

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

920 WRIT PETITION NO.7848 OF 2023

AVINASH VASANTRAO SHERKAR AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR
AHMEDNAGAR AND OTHERS

Mr.A.B.Kale, Advocate for the Petitioners.
Mr.S.G.Karlekar, AGP for the Respondents/State.

(CORAM : RAVINDRA V. GHUGE AND
Y. G. KHOBRAGADE, JJ.)

DATE : JULY 19, 2023

PER COURT :

1. This matter was heard on 17.07.2023 and posted today for further hearing and orders. The learned AGP submits that a joint measurement of the properties to resolve the grievance of the Petitioners, was not carried out. It is now proposed to be held on 03.08.2023. Since the time was not mentioned, we have suggested the time as 11.00 a.m. The Petitioners waive notice for the said purpose.

2. In so far as prayer clauses B and D are concerned, we are not entertaining the same for obvious reasons that emanate from the said prayer clauses, which read as under :-

*"B. To kindly quash and set aside the order of the Ld. Civil Judge Senior Division dtd. 04.07.2023 annexed at as **Exhibit "I"** and for that purpose issue necessary writs and orders.*

*D. Pending the hearing and final disposal of this writ petition grant stay to the operation, implementation and execution of the order of the Ld. Civil Judge Senior Division, Newasa and dtd. 04.07.2023 annexed at **Exhibit "I"** and for that purpose issue necessary writs and orders."*

3. Since the State has declared that the joint measurements of the properties would be conducted at 11.00 a.m. on 03.08.2023, the learned Advocate for the Petitioners submits that the Petitioners are satisfied. They would remain present as per schedule and they would participate in the joint measurement, without any interference. They may also keep their records available for perusal of the Authorities.

4. In view of the above, **this petition** stands worked out and the same is, therefore, **disposed off**.

5. After the joint measurements, if the Petitioners are aggrieved, they would take recourse to the statutory remedy. If advised, they may file an appropriate application in the pending RCS No.279/2023.

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)