

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

907 WRIT PETITION NO.9337 OF 2023

SAHEBRAO LAXMAN KONDAWAR
VERSUS
THE STATE OF MAHARASHTRA THROUGH IT'S PRINCIPAL
SECRETARY AND OTHERS

Mr.Vinod P.Patil, Advocate for the Petitioner.
Mr.V.M.Kagne, AGP for the Respondent/State.

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

DATE : AUGUST 4, 2023

PER COURT :

1. Leave to correct prayer clause "B". Correction to be carried out forthwith.

2. On 02.08.2023, we had passed the following order :-

"1. Despite the order of this Court (Coram : N.W.Sambre and S.G.Chapalgaonkar, JJ.) dated 30.03.2023 passed in WP No.717/2023, the Taluka Inspector of Land Records (T.I.L.R.), Biloli, District Nanded, is not responding to the Petitioner's request for joint measurement of the land of the Petitioner. Prima facie, it appears that he is failing to discharge his duties and is not obeying the order of the Court.

2. The learned AGP shall communicate to the said T.I.L.R. to remain

present in the Court on 04.08.2023.

3. *List this petition for passing orders on 04.08.2023 (Friday)."*

2. The concerned Tahsildar Mr.Ravindra Tukaram Nikam, who is presently the Deputy Supdt. of Land Records / Respondent No.5, is present in the Court. At the outset, an oral apology has been tendered.

3. The learned Advocate for the Petitioner submits on instructions that though the Petitioner had to visit this Court on 2 occasions, earlier in WP No.717/2023 and now in the present petition, he is more interested in getting the joint measurement of the land, details of which are set out in prayer clause "B". He submits that though there has been delay on the part of Respondent No.5, he is willing to ignore it and does not desire that this issue should be taken any further.

4. The learned AGP submits that Respondent No.5 would donate an amount of Rs.5,000/- to the Advocate Association's Bar Library, High Court, Aurangabad and submits that the measurement will be carried out within the timeline as this Court may direct.

5. In view of the above, **this petition is disposed off** with a direction that the joint measurement, as directed by this Court vide order dated 30.03.2023 and with regard to the land bearing Gat No.307/2/A & B in Survey No.277, be carried out. We, further direct that if the land of the Petitioner is found to have been utilized for up-gradation of the State Highway, acquisition proceedings shall be initiated without any delay in the light of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)