

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 1139 OF 2023**

Smt. Kumari Shriram Yadav

....Petitioner

V/s.

State of Maharashtra & Ors

....Respondents

Mr. Tejesh Dande, Mr. Pratik Sabrad, Mr. Amey Sawant and Ms Gracy Saldhana i/b Mr. Suresh M. Sabrad for Petitioner.

Mr .B. M. Samant, Addl GP a/w Ms K. N. Solunke, AGP for State-Respondents.

**CORAM : K. R. SHRIRAM &
Dr. NEELA GOKHALE, JJ.
DATED : 9th NOVEMBER 2023**

PC. :

1 Prayer in the petition is to direct respondent nos.3 and 4 to measure the land bearing Gut No.255 pursuant to application dated 3rd January 2021. An affidavit in reply is filed through one Pravin Kunjir affirmed on 10th October 2023 on behalf of respondent no.4, in which, it is stated that they are ready and willing to measure the land but petitioner has to arrange for police protection. We are rather surprised that State Government is asking petitioner to arrange for police protection, which is the duty of the State Government. If there is possibility of law and order situation, it is for the Government officials to request the concerned Senior Inspector of police, who is duty bound to provide the police protection.

2 It is also stated in the affidavit in reply that on 19th November 2020,

when earlier the officials went for measuring the land bearing Gat No.255, other parties have objected to the measurement. The measurement shall be carried out under the police protection which the local Senior Inspector of police shall provide. The local Senior Inspector of Police shall depute such number of police personnel as required to deal with the possible law and order situation.

3 During the course of measurement, the objections of any third party shall also be considered, recorded and in the plan that will be prepared, the objections or disputed land, if any, will also be highlighted. We make it clear by passing this order that we are not certifying the title of petitioner to the land covered under Gut No.255 or any part thereof. Mr. Dande states if there are any charges to be paid, the same shall be paid by petitioner.

4 Petition disposed.

(Dr. NEELA GOKHALE, J.)

(K. R. SHRIRAM, J.)