

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

Writ Petition (WP) No. 3424 of 2023

Kundlik S/o Fakira Suradkar and others

Versus

The Additional Commissioner, Amravati Division, Amravati and others

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri N.B.Kalwage, Advocate for the petitioners.

Ms. H.N.Jaipurkar, AGP for the respondent nos. 1 to 4.

CORAM : ANIL S. KILOR, J.

DATED : 18th AUGUST, 2023.

In a suit for partition, the decree was passed.

The said suit was opposed by the petitioners on one of the grounds relating to fragmentation.

2. The said decree was upheld by this Court.

3. Subsequent to the same, the petitioner again took up the issue of fragmentation before the Tehsildar during the pendency of the execution proceeding. The Tehsildar rejected the said objection and the order of the Tehsildar was maintained by the Additional Collector by order dated 28th March, 2016 and it was further confirmed by the Additional Commissioner,

Amravati vide impugned order dated 22nd November, 2021.

4. Thus, once the decree was passed after considering the issue of fragmentation, denial by the Tehsildar, the Additional Collector and the Additional Commissioner to interfere in the matter, is just and proper and needs no indulgence by this Court. Accordingly, writ petition is dismissed.

[ANIL S. KILOR, J.]

SACHIDANAND
KUTTAN NAIR

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