



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

WRIT PETITION NO. 1525 OF 2024

**ASHOK ALIAS LAXMAN SHIVAJI BHOSALE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS**

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Mr. N. B. Narwade, Advocate for Petitioners
Mr. S. K. Tambe, AGP for Respondent – State

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

DATE : 08.02.2024

PER COURT :-

1. Considering the cause put forth before us, though we appreciate that there is a remedy available to the Petitioner in proceeding against the statutory authorities who, according to the Petitioner, have acted highhandedly, we are of the view that this may not turn out to be a very efficacious remedy, considering the grievance of the Petitioner that man and machines from the Government department have reached his land and have started digging his agricultural field.

2. A public notice is published by the Sub Divisional Officer, Nagar Division, Ahmednagar, dated 12.01.2024, wherein, particular survey numbers and the sizes of the lands are mentioned, which are subject matter of a public project. The Petitioner unequivocally submits that his land admeasuring 50 Gunthas falling in Gat No.134/1, is not a part of the decree which is sought to be executed in Special Darkhast No.57 of 1977. The Petitioners make a solemn statement that neither they are parties to the original suit, nor the Special Darkhast proceedings and nor is their land concerned with the dispute covered by Special Darkhast No.57 of 1977.

3. In view of the above, we direct the Respondents to proceed with the execution proceedings concerning Special Darkhast No.57 of 1977 and in furtherance of the public notice dated 12.01.2024. However, they would not touch Gat No.134/1, which is admittedly not a part of the execution proceedings.

4. With the above directions, this **Writ Petition is disposed off.**

5. In the event, the Revenue Authorities notice that the Petitioners before us have suppressed any material information or

have misled us in passing this order, they are at liberty to file a Civil Application and point it out to us.

[Y. G. KHOBRADE, J.]

[RAVINDRA V. GHUGE, J.]

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