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914wp8172.23

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

914 WRIT PETITION NO. 8172 OF 2023

JANARDHAN NAMDEO PATHE AND OTHERS

....Petitioners

VERSUS

THE COLLECTOR AURANGABAD AND OTHERS

.....Respondents

Mr. A. K. Gawali, Advocate for the petitioners

Mr. C. V. Dharurkar, Advocate for the respondent Nos. 5, 6-A to 6-C

Mr. K. B. Jadhavar, AGP for the respondents/State

CORAM : KISHORE C. SANT, J.

DATE : 13th NOVEMBER, 2024

P. C.

1. The petition is circulated by the respondents as there is ad-interim relief running against respondents granted by order dated 17-07-2023.

2. Grievance of the petitioners is that the learned Tahasildar is proceeding with the matter under Section 155 of the MLRC without issuing notice to the adjoining co-owners. If the order is passed without hearing the co-owners area of their

lands is likely to be reduced.

3. Considering this apprehension this court had entertained the writ petition.

4. This court finds that sufficient care can be taken and writ petition can be disposed off.

5. The respondent No.2 may proceed with the proceeding strictly in accordance with the law by giving notices to all the concerned persons/co-owners.

6. It is also informed that the petitioners have filed an application for giving them an opportunity of hearing in the proceeding.

7. Needless to say that all such applications also be heard while hearing the matter on merit.

8. Till hearing of the matter by respondent No.2, status-quo as regards the present position be maintained.

9. The respondent No.2 to decide the proceeding as early as possible & before 31st March, 2025 in any case.

10. With this, the petition stands disposed off.

11. Civil applications, if any stand disposed off.

[KISHORE C. SANT, J.]

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