



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

956 WRIT PETITION NO. 9755 OF 2023

DAGADABAI POPAT CHAVAN THROUGH HER GPA NAMDEO POPAT
CHAVAN
VERSUS
SHANKAR SARJERAO KURUMKAR

...
Advocate for the Petitioner : Ms. Anjali Dube
Advocate for Respondents : Mr. S. R. Andhale
...

CORAM : ARUN R. PEDNEKER, J.

Dated : March 13, 2024

PER COURT :-

1. Heard the learned Advocate for the parties.
2. The learned Advocate for the petitioner submits that in the consolidation scheme although the lands were exchanged and re-allotted defacto there was no allotment of the lands. The learned Advocate for the petitioner further submits that the petitioner is in possession of the land, and as such, an interim order or status quo was passed in the same.
3. Per contra, the learned Advocate appearing for the respondent submits that there is an exchange and recorded under the Consolidation Act more than 55 years back, and as such, the consolidation scheme cannot be altered. The respondent contends that on the basis of consolidation, title of land is undisputedly in favour of the respondent

and the respondent is in possession of the land.

4. The learned Advocate for the respondent further submits that even the suit is not maintainable. The learned Advocate for the petitioner submits that the petitioner has applied for rectification of the consolidation scheme and the proceedings are dismissed against the petitioner and separate writ petition is filed and the same is pending adjudication. Since this matter is arising out of an interim order and that a document of consolidation is in favour of the respondent, it would not be proper to interfere with the impugned order.

5. The petitioner would have liberty to establish the case before the Trial Court, so also the outcome of the suit will also depend upon the final orders passed in Writ Petition No.8828/2023 in which the application for correction of the consolidation scheme is made by the petitioner. In the event the above writ petition is answered in favour of the petitioner, she would have right to apply to the Trial Court seeking necessary modification of the interim order.

6. Liberty to place additional documents before the Trial Court which are filed in the instant case. The learned Advocate for the petitioner submits that after the proceedings were concluded before the Trial

Court, the authority under the Consolidation Act has given report that there is no implementation of the consolidation scheme for petitioners and the respective possession as was available before the consolidation scheme still continuous on the ground. She seeks leave to place the documents on record before the Trial Court.

7. Liberty to file additional documents before the Trial Court.
8. The Trial Court to decide the suit as expeditiously as possible.
9. With directions as above, the writ petition is disposed of.

(ARUN R. PEDNEKER, J.)

vj gawade/-.