



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

938 WRIT PETITION NO. 4205 OF 2021

NANASAHEB JIJA BOBADE THR ITS GPADNYANESHWAR
NANASAHEB BOBADE

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for the Petitioner : Mr. Ravindra V Gore

AGP for Respondent Nos. 1 to 4 : Ms. P.V. Diggikar

Advocate for Respondent No. 5 : Mr. B.R. Survase

Advocate for Respondent Nos. 6, 7 & 9 : Mr. Choudhari Sushant B.

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CORAM : S. G. MEHARE AND
SHAILESH P. BRAHME, JJ.

DATE : 13 NOVEMBER 2024

PER COURT :

1. Heard the respective counsel.
2. The sole question raised by the petitioner in this writ petition is the respondent no. 4 did not carry out the measurement of the land in question. In view thereof, this Court by order dated 19.07.2022 has passed the order directing the land measurer to ascertain the status of the measurement and to take the specific instructions, whether the survey authorities can proceed to hold measurement, in accordance with law. However, till date learned AGP has no instructions.
3. Considering the small issue of measurement of land the procedure for measuring the land has been prescribed under the Maharashtra Land Revenue Code. It is a complete code. However, *prima facie*, it appears that once the procedure is followed and any

of the adjoining land owners do not remain absent on the date of measurement. The measurer did not suppose to go without measurement. The powers of measurer are provided in the law itself.

4. In view thereof, the petition is allowed directing the concerned measurer to measure the land by following due procedure of law. He should not avoid the measurement of land for the absence of any person related to the lands.

[SHAILESH P. BRAHME, J.]

[S.G. MEHARE, J.]