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933- WP-8768-2024

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

933 WRIT PETITION NO. 8768 OF 2024

Bayaji Sahadu Sidankar And Another

VERSUS

The State Of Maharashtra Through Principle Secretary And Others

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Mr. Amol Karbhari Gawali, Advocate for the Petitioner

Smt. R. R. Tandale, AGP for Respondent-State.

Mr. Prashant N Khedkar for Respondent No.5.

CORAM : KISHORE C. SANT, J.

DATE : 19th DECEMBER 2024

PC :-

1. Heard for some time.
2. Inspite of service, none appears for Respondent No.5.
3. Challenge in this petition is to an order passed by the learned Principle Secretary and Officer on Special Duty (Appeals and Revision), Revenue and Forest Department. The petitioners have challenged the measurement done by the learned Deputy Superintendent of Land Records, Shrigonda and the map prepared on the basis of the said measurement. The learned Secretary observed that the petitioners have

not challenged any order or decision and had challenged only measurement and the map and therefore, the revision is not maintainable. The petitioners are aggrieved by the said Court.

4. This Court also initially asked the petitioners as to how such revision was maintainable. He has argued that the revision is maintainable against any proceedings in view of Section 257(4) of the Maharashtra Land Revenue Code, 1966. His main apprehension is that, the Secretary has directed the petitioners to approach the proper authority by filing appeal challenging the measurement and the map. The learned Advocate for the petitioners has relied upon the judgment of the Hon'ble Apex Court in the case of ***Ram Chandra Aggarwal and Anr. Vs. State of Uttar Pradesh and Anr.***¹. He further relied upon the judgment of Madras High Court in the case of ***M/s.Quantum Real Estate and Property Development India Pvt. Ltd. Vs. Bay Orient Realty Pvt. Ltd.*** To impress upon this Court that even measurement and preparation of map would be a proceeding, this Court is not impressed by the said submission.

1 1966 SCC OnLine SC 232

5. This Court has entertained the petition only in view of the submission that the map is drawn by DSLR under the direction of the Deputy Director of Land Records. Though, the learned Secretary has directed to approach the appellate authority, the DSLR may not consider the question of correctness of measurement and the map as it is prepared on the directions of his Superior Officer i.e. Deputy Director of Land Records. He thus prays for the clarification that the appellate authority not to be influenced by the fact that the map is drawn on the direction of the superior authorities.

6. The learned AGP vehemently opposes the petition. He submits that the learned Secretary has rightly passed an order. Even affidavit in reply is filed by the respondents opposing the petition. He submits that the measurement and the map is drawn in the year 2002. The petitioner has purchased the land in the year 2008 i.e. six years after the measurement and the map. He thus cannot go behind the same.

7. Be that as it may, this Court finds that the following order would meet the ends of justice.

8. Petition stands disposed off with directions to approach the

appellate authority by way of appropriate remedy.

9. Needless to say that the appellate authority would decide the appeal without influenced by the fact that the map was prepared on the directions of the Superior Authority.

10. Petition stands disposed off.

[KISHORE C. SANT, J.]