

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 578 OF 2018

Bharat Sakharam Ghodake,
Age 55 years, Occu. Agri. and Business,
R/at Gut No.1497, Pushpak Complex,
Near Chandrama Petrol Pump,
Shrigonda, Taluka Shrigonda,
District Ahmednagar .. Petitioner

Versus

1. The State Minister of Revenue
Maharashtra State, Mantralaya,
Mumbai
2. State of Maharashtra
Through its Principal Secretary,
Revenue and Forest Department,
Mantralaya, Mumbai
3. Mr. Laxman Sahadu Borude,
Age 65 years, Occu. Business,
R/at Pedgaon Road, Shrigonda,
Taluka Shrigonda, District Ahmednagar
4. Deputy Director Land Records,
Nasik Division, District Nasik
5. The District Superintendent
Land Records, Ahmednagar
6. The Deputy Superintendent
Land Records, Shrigonda,
District Ahmednagar

Mr. Ameet R. Vaidya, Advocate for the Petitioner;
Mr. A. S. Shinde, A.G.P. for Respondents No.1, 2 and 4 to 6;
Mr. P. R. Katneshwarkar, Advocate for Respondent No.3 :

(2)

CORAM : S.G. MEHARE, J.**DATED : 27.02.2024****PER COURT:-**

1. Heard the learned counsel for the petitioner and the learned counsel for contesting respondent No.3.

2. It is an interesting case of opening the dispute which is not in existence. Both parties have agreed that Gut No. 1497 and 1498 are in their possession and recorded in the revenue record for more than 40 years. However, the dispute has been created by filing an application before the Deputy Director of Land Records, Nashik by digging the grave of old bodies. Once the consolidation scheme is applied, these survey numbers are given Gut Numbers. No one has a dispute about the consolidation scheme. Respondent No.3 had a case that the present petitioner has encroached upon his land and he has filed a civil suit before the Civil Court.

3. After having gone through the papers and the argument at length, this Court does not find, any cause of action to respondent No.3 to open the dispute before the Deputy Director Land Records, Nashik, referring to the survey numbers. Unfortunately, none of the officers examined this fact. They

(3)

went on examining the old record, passing the orders and spending time over the issue which was not in existence. Both parties agreed that the civil suits are pending for their respective rights. There is nothing to be considered in this matter. Hence, the following order is passed.

ORDER

- (i) All impugned orders are quashed and set aside for the reasons that there was no cause of action and there was no dispute about Gut Numbers and their possessions over it.
- (ii) The petition stands disposed of in above terms.
- (iii) No order as to cost.

4. It is made clear that Civil Court should not be influenced of the findings recorded in this case, while deciding the suit.

(S. G. MEHARE, J.)

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