



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

978 WRIT PETITION NO. 13585 OF 2023

MALLIKAJUN SATMAYYA SWAMI AND ANOTHER
VERSUS
THE COLLECTOR AND OTHERS

...
Advocate for the Petitioner : Mr. J.R.Nawale h/f Salunke Mayur Vasant
AGP for Respondents: Mr. V. M. Chate
Advocate for Respondents No.2 to 4: Mr. E.P.Sawant
Advocate for Respondents No.5: Mr. Arvind Deshmukh

...
CORAM : ARUN R. PEDNEKER, J.
Dated : January 25, 2024

PER COURT :-

1. Heard the learned Advocate appearing on behalf of the respective parties.
2. By the present petition, the petitioners are challenging the direction issued by the Civil Judge Senior Division, Gangakhed to the T.I.L.R.Palam to measure land Gut Nos.150 and 153 situated at village Banwas Tq.Palam Dist.Parbhani. The learned Advocate for the petitioners submits that instead of T.I.L.R. Palam, any other T.I.L.R. from other city be appointed as Court Commissioner to measure the land.
3. The learned Advocate for the respondents has also agreed that Gut Nos.150 and 153 situated at village Banwas Tq.Palam be measured by any other T.I.L.R. than the T.I.L.R. Palam.

4. The learned Advocate for the petitioners suggested that T.I.L.R. Gangakhed may conduct the necessary measurement of both the land Gut Nos.150 and 153 and submit his report to the Civil Judge, Senior division, Gangakhed. The suggestion made by the petitioners is also accepted by the respondent.

5. In view of the submissions above, the order dated 27/09/2023, passed below Exhibit 46 in Regular civil Suit No.275 of 2023 is modified accordingly. The Taluka Inspector of Land Records, Gangakhed to carry out the measurement of land bearing Gut No.150 and 153 situated at village Banwas Tq.Palam Dist.Parbhani by giving necessary notice to both the parties.

6. All the parties are directed to approach the Taluka Inspector of Land Records, Gangakhed on 13/02/2024 at 12.30 p.m. so as to enable the T.I.L.R. to give the date of measurement.

7. The learned AGP to intimate this order to the T.I.L.R.Gangakhed.

8. In view of the above, the writ petition is disposed of.

(ARUN R. PEDNEKER, J.)

vj gawade/-.