



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

WRIT PETITION NO. 5483 OF 2024

**KAMAL LAXMAN RAJBHOI AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

....

Mr. G. B. Rajale, Advocate for Petitioners

Mr. A. B. Girase, Government Pleader for Respondent – State

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**CORAM : RAVINDRA V. GHUGE AND
Y. G. KHOBRAGADE, JJ.**

DATE : 12.06.2024

PER COURT :-

1. We have heard the learned Advocate for the Petitioners and the learned Government Pleader.

2. We have perused the earlier order dated 20.08.2018 passed by this Court in Writ Petition No. 5581 of 2014, more particularly paragraph Nos. 7, 8 and 9, which read as under:-

“7. It is a fact that, the parties are litigating since long time and the Authorities are expected to proceed with the decree expeditiously inconsonance with the judgment delivered by the Appellate Court, which is confirmed in the Second Appeal. The observations and directions given by

the Appellate Court while passing the judgment certainly will have to be considered by the Authorities.

8. It would not be possible for this Court to pass orders one way or the other, considering the fact that, in the Appeal before the District Court there were large number of respondents that is more than 43. They are not before this Court.

9. If the petitioner has any grievance with regard to the measurement conducted and the partition shown, the petitioner may take appropriate steps before the Authorities, as contemplated and provided under the provisions of Maharashtra Land Revenue Code. If any such grievance is raised, the same shall be decided by the Authorities on its own merits after hearing all the parties concerned expeditiously.”

3. It is obvious from the record that there are many litigants litigating over the property, pursuant to the decree. The execution proceedings are of the year 2004. The precept has already reached the District Collector and further steps are being taken. The Town Planning Officer, Ahmednagar, has informed the Petitioner that considering the litigation between the parties, his share cannot be carved out until the litigation is over.

4. In view of the above, we direct the District Collector, Ahmednagar to submit a report to the Executing Court as regards the efforts made and the impediments in executing the decree. Let such

report be furnished in R.D. No.70 of 2004 before the learned Civil Judge Senior Division, Ahmednagar, within a period of 45 days from today. Thereafter, the Petitioner would be at liberty to avail of the remedies as may be permissible in law.

5. With the above directions, **this Writ Petition is disposed off.**

[Y. G. KHOBRADE, J.]

[RAVINDRA V. GHUGE, J.]

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