

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 13454 OF 2024

Avinash Shankarrao Solanke

VERSUS

The Secretary Department Of Revenue And Others

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Advocate for the Petitioner : Mr. K.R. Yadav h/f Mr. Salunke
Sudarshan J

AGP for Respondent/State : Mr. S.R. Yadav Lonikar

...

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

DATED : DECEMBER 10, 2024

PER COURT:-

1. Heard learned counsel for the petitioner at length.
2. The petitioner and respondent nos.7 to 10 had a compromise before the Lok Adalat in the Appellate Court. The compromise decree was directed to be passed. Thereafter, the Trial Court has drawn the final decree in view of the settlement terms and sent the precept to the Collector under Section 46 of the Civil Procedure Code. Before the Collector takes a decision on precept, the petitioner was insisting the Tahsildar for mutating his name. Unless the actual and physical partition is effected, no such proceeding could be opened because the partition is not the mere formality, it is subject to the test of the provisions of the Prevention of

Fragmentation Act. Counsel for the petitioner seeks time to take instructions what is the progress or the decision in precept.

3. Stand over to 20.02.2025.

(SHAILESH P. BRAHME, J.)

(S.G. MEHARE, J.)