

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.6725 OF 2015

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Shripati Dnyanu Tagare and Ors. .. Petitioners
Vs.
Consolidation Officer, Kolhapur and Ors. .. Respondents

Mr. Prasad B. Kulkarni, Advocate for the Petitioners.
Mr. N.C. Walimbe, Additional Government Pleader, with Smt. M.S. Shrivastav, Assistant Government Pleader for Respondent Nos.1 to 4.
Mr. Manoj A. Patil, Advocate for Respondent No.5.

**CORAM : A.S. CHANDURKAR &
RAJESH S. PATIL, JJ**

DATE : 20TH JUNE, 2024.

PC. :

1. By this writ petition, the petitioners seek a direction to be issued to respondent nos.1 to 3 to take appropriate steps in the matter of publication of Correction Deed dated 24th June 1994. According to the petitioners, this direction is sought pursuant to the proceedings held under the provisions of the Maharashtra Prevention of Fragmentation and Consolidation of Holdings Act, 1979.

2. It is however seen that between the petitioners and respondent no.5, there were civil proceedings that were initiated by respondent no.5. The Trial Court decided the suit on 28th February 2008 and directed that

the respondent no.5 was entitled to possession of land admeasuring 11.25 R. Though the petitioners challenged the said judgment before the Appellate Court, the Appeal came to be dismissed on 19th January 2012 for want of prosecution. Thereafter the application for restoration was moved but the same has been rejected on 14th December 2022. It is informed that against the said rejection, further proceedings have been initiated.

3. In the light of the decree passed by the Trial Court, for the present, the relief sought in the writ petition cannot be granted. It is clarified that if ultimately the aforesaid decree is modified or set aside, it is open for the petitioners to take appropriate steps in the matter. Needless to state that the petitioners are free to pursue their remedies in the civil proceedings.

[RAJESH S. PATIL, J.]

[A.S. CHANDURKAR, J.]