



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 17977 OF 2024

Shrikant Ganpat Mandavkar

... Petitioner

Versus

Ld. Sub-Divisional Officer And Competent Authority & ... Respondents
Ors.

Mr. Rugved R. Kinkar a/w. Mr. Ajinkya Patil i/b. Drupad S. Patil for the
petitioner.

Mr. A.I. Patel, Addl. G.P. a/w. Ms. M.S. Bane, AGP for the State.

Mr. Rakesh Singh a/w. Ms. Heena Shaikh i/b. Mr. M.V. Kini & Co. for
respondent no. 1.

CORAM: G. S. KULKARNI &
ADVAIT M. SETHNA, JJ.
Date : 6 December, 2024

PC:

1. Not on board. Upon mentioning, taken on board on a praecipe as moved on behalf of the petitioner.
2. This petition under Article 226 of the Constitution of India is filed praying for the following substantive relief:

a) This Hon'ble Court be pleased to issue Writ of Mandamus and/or any other Writ in the nature of Mandamus thereby directing respondents and anyone claiming through respondents not to demolish "well" situated in land bearing S. No. 400/B/7 situated at Village Nachne, Tal. Ratnagiri, District Ratnagiri;

b) This Hon'ble Court be pleased to issue Writ of Mandamus and/or any other Writ in the nature of Mandamus thereby directing respondents to carry out measurement of constructed area bearing

nos. 2162/A and 2162/B situated at land bearing S. No. 400/B/7 along with compound walls and iron gate situated at Village Nachne, Tal. Ratnagiri, District Ratnagiri;

c) This Hon'ble Court be pleased to issue Writ of Mandamus and/or any other Writ in the nature of Mandamus thereby directing respondents to carry out re-measurement of constructed area bearing Nos. 2162/A and 2162/B situated at land bearing S. No. 400/B/7 along with compound walls and iron gate situated at Village Nachne, Tal. Ratnagiri, District Ratnagiri and submit the report of re-measurement along with valuation report before this Hon'ble Court."

3. We are not inclined to examine these prayers inasmuch as the petitioner had already assailed the award and the same is pending in an appeal, a copy of which is annexed at Exhibit 'C' Page 37 of the petition.

4. In this view of the matter, we will permit the petitioner to raise all contentions in the pending appeal or in any other proceedings which are available to the petitioner in law. All contentions in that regard are kept open.

5. Disposed of.

(ADVAIT M. SETHNA, J.)

(G. S. KULKARNI, J.)