

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 14299 OF 2023

Sandeep Ramesh Pawar and Anr.

...Petitioners

Versus

State of Maharashtra and Ors.

...Respondents

Mr. Gaurav Nankar a/w. Aditya Raktade, for Petitioners.

Mr. B.V. Samant, Addl. G.P. a/w. Mr. M.M. Pable, AGP for
Respondent Nos. 1, 2 3 & 5.

**CORAM: NITIN JAMDAR &
M.M. SATHAYE, JJ.**

DATE : 4 APRIL 2024

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P.C.:

. The Petitioners have already filed a writ petition bearing Writ Petition No. 15086 of 2022 wherein order is passed directing the demarcation to be carried out by Deputy Superintendent of Land Record. The Petition was filed on the ground that the Respondents have removed unauthorized construction and because the Petitioners had received a notice dated 3 November 2022 for removal of unauthorized construction. The demarcation was directed and petition was adjourned.

2. Thereafter, another writ petition is filed i.e. present one for the very same land because of a subsequent notice. The petition is entirely misconceived since Writ Petition No. 15086 of 2022 is

pending on the same subject matter and subsequent notice could have been challenged by way of amendment or by way of interim application.

3. Learned AGP states that the measurement is carried out, however, report is not yet submitted and only after the report is so submitted the aspect of the measurement would be clear and further action would be taken.

4. After receipt of the report, copy be given to the Petitioners and date for further action sufficiently in advance be intimated. Since the Writ Petition No. 15086 of 2022 is pending, it is open to the Petitioners to seek necessary amendment or take out an interim application in writ petition No. 15086 of 2022.

5. This writ petition is accordingly disposed of.

(M.M. SATHAYE, J.)

(NITIN JAMDAR, J.)