



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

Writ Petition No. 4133 of 2023 (D)

[Rajaram @ Rajaram s/o Tukaram Chakole & Ors. Vs. Rajhans s/o Rajaram Chakole & Ors.]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. Pushkar Deshpande, Advocate for the petitioners
Mr. A. M. Kadukar, AGP for respondent nos. 1 to 7
Mr. P. S. Chawhan, Advocate for respondent nos. 8 to 10

CORAM : ANIL L. PANSARE J.

DATED : 17-12-2024

On 26-11-2024, following order was passed.

On 11/11/2024, following order was passed :

“After having heard for considerable time, counsel for the petitioners seeks permission to withdraw the petition with liberty to seek amendment in the plaint and to file fresh application under Order XXXIX Rules 1 and 2 of the Civil Procedure Code, 1908, if so permissible.

Permission is granted.

The writ petition is dismissed as withdrawn with liberty as prayed for.

At this stage, learned A.G.P. seeks two week's time to comply order dated 02.09.2024, wherein the Superintendent Land Records, Nagpur was directed to inquire into the matter as to why the report was not filed as directed by this Court.

Time is granted.

List the petition on 26.11.2024 for the purpose of filing report.”

2] *The learned A.G.P. has tendered across the bar report submitted by the Superintendent of Land Records, Nagpur, stating therein that the measurement could not be carried out because of*

some technical difficulties and that delay caused in measurement is not intentional. Taken on record. The report so filed shall be considered in due course.

3] *On 30/8/2023, this Court had directed the parties to apply for measurement of land in question through the S.L.R./T.I.L.R. The Court issued directions to the S.L.R./T.I.L.R. to first measure the land in possession of the plaintiffs and if the S.L.R./T.I.L.R. finds that the land actually allotted or given in share of the plaintiffs is in possession of the plaintiffs, then the S.L.R./T.I.L.R. may not carry out further measurement as regards the remaining land in possession of defendant nos. 1 and 2. The S.L.R./T.I.L.R. was directed to submit report to the Court within two months from the date of order.*

4] *Thus, the report was to be filed on or before 31/10/2023. May be the S.L.R./T.I.L.R. had some difficulty in complying the order within the stipulated time, however, nothing prevented the S.L.R./T.I.L.R., rather it was his duty, to approach the Court within the stipulated time and seek extention to comply the order. The S.L.R./T.I.L.R. has not done so and filed report only upon further directions given by this Court, that too, when the matter was listed upon circulation sought by the respondents. In fact, additional efforts were required to be made to get the report on record, which is evident from order dated 2/9/2024, which reads thus :*

“The learned A.G.P submits that reply, in compliance to order dated 30/8/2023, is ready and will be filed within one week.

2] *Perusal of order indicate that reply/report was to be submitted within two months from the date of order, viz., on or before 30/10/2023. The report is not filed till today. The learned A.G.P is seeking further time.*

3] *Time is granted with clear understanding that if reply/report is not filed, respondent no.3 shall remain present before the Court with an explanation as to why is order dated 30/8/2023 not complied till today.*

4] *Copy of order be served on the Superintendent of Land Records, Nagpur, to enquire into the matter as to why report is not filed as directed by this Court and shall file report before next date.*

5] *Stand over in the week commencing from 23/9/2024.”*

5] *The Superintendent of Land Records has filed report stating therein that there were some difficulties in complying the order. Experience shows that the revenue authorities take the Court for granted and don't even bother to file report in time or at least to seek extention of time in filing report.*

6] *The Superintendent of Land Records, Nagpur, is accordingly called upon to explain as to why didn't he approach the Court prior to 31/10/2023 to seek extention of time to comply the order.*

7] *List on 17/12/2024.”*

2. In response to the aforesaid order, the District Superintendent of Land Record (for short 'DSLRL') has filed affidavit seeking unconditional apology with an assurance that henceforth, the orders of the Court will be scrupulously followed and complied within stipulated time. DSLRL further states that necessary instructions have been given to all the officials working under him which includes the offices within Nagpur District.

3. On the basis of the aforesaid assurance, the apology is accepted. I however, find it necessary that

similar directions ought to be issued by DSLR directing all the officials to comply orders passed by any Court within the stipulated time and that the head of the office will personally look into it, to have uniform pattern of compliance of orders in Vidarbha Region.

4. Learned Assistant Government Pleader shall forward copy of letter dated 11-12-2024 issued by DSLR to the Deputy Director of Land Record, who shall then issue necessary directions to all concerned including DSLR to adhere to the Courts' order and to file report within stipulated time. In fact, circular to that effect should be issued and copy of circular be annexed with all the reports that will be filed in the Courts in compliance to orders passed by the District Courts or High Court. Order accordingly.

5. With the above directions, and since the apology has been accepted on the strength of assurance given by DSLR, no further order is required. The matter stands closed.

(Anil L. Pansare, J.)