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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

906 WRIT PETITION NO. 13176 OF 2025

Vinayak Bhaguram Dhormare
Through Next Friend Nirmala Vinayak Dhormare

VERSUS

The State Of Maharashtra Through District Collector And Another

.....

Mr. Pavan M. Salunke, Advocate for Petitioner
Mr. R.B. Dhaware, AGP for Respondents No.1 and 2

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CORAM : SMT. VIBHA KANKANWADI AND
HITEN S. VENEGAVKAR, JJ.

DATE : 25 NOVEMBER, 2025

PER COURT :-

1. The present petition has been filed for direction to the respondents to complete the execution proceedings of the preliminary decree dated 23.08.2025 in R.C.S. No. 57 of 2004, sent by the learned Joint Civil Judge, Junior Division, Ausa, District Latur.

2. In view of our order dated 07.11.2025, respondent No. 2 is present before the Court and places on record a communication stating that earlier attempts were made in the year 2022 to hand over possession of the property to the petitioner; however, by giving a written application, she sought adjournment. Thereafter, when the notice was issued for taking possession on 22.08.2022, she refused to accept the same. According to respondent No. 2, it appears that the

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petitioner is not mentally prepared to take possession of the land as per the decree and the partition chart prepared by the Deputy Superintendent of Land Records, Ausa. Again, by issuing notice, the date for handing over possession was fixed on 19.08.2025. At that time, she did not remain present on the ground that she was admitted in the hospital. She has given a letter stating that unless the partition chart is properly prepared, she will not accept possession.

3. After hearing the learned advocate for the petitioner, it is submitted that the petitioner has filed an affidavit stating that she is ready to accept possession of the land as per the decree granted by the learned Civil Judge, Junior Division, Ausa, in R.C.S. No. 57 of 2004. However, according to her, the Deputy Superintendent of Land Records has not properly prepared the partition chart. She has objected to the same and, by keeping her objection open, she is ready to accept possession only as per the decree.

4. The learned advocate for the petitioner also submits that, in respect of land Gut No. 197, a suit filed by Alimunbi Gulab Pathan was dismissed. However, the suit filed by Razia Mirza Pathan and Rustam Mirza Pathan is still pending

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5. We have gathered it from the learned advocate for the petitioner, in the presence of the petitioner, that there appears to be no problem in accepting possession of land Gut Nos. 149, 150, and 161. However, she has raised an objection only in respect of Gut No. 197. Since the petitioner is ready to accept possession of these three lands and has agreed to remain present for taking possession at 11:00 a.m. on 08.12.2025 at Grampanchayat Hasegaon, we direct respondent No. 2 to take up the procedure for handing over possession of these three lands, i.e., Gut Nos. 149, 150, and 161, at 11:00 a.m. on 08.12.2025 at Grampanchayat Hasegaon, Taluka AUSA, District Latur.

6. As regards Gut No. 197, the petitioner is at liberty to take appropriate proceedings. With these observations, we dispose of the writ petition.

[HITEN S. VENEGAVKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE