



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 13276 OF 2017 WITH
CIVIL APPLICATION NO. 10572 OF 2024
IN WP/13276/2017

Dhondiram Asaraji MarkandePetitioner

VERSUS

The State of Maharashtra & othersRespondents

Mr. C. V. Dharurkar, Advocate for the Petitioner.
Mr. A.R. Kale, Addl. GP for the State.

**CORAM : KISHORE C. SANT AND
VAISHALI PATIL-JADHAV, JJ.**
DATE : 23rd DECEMBER, 2025.

PER COURT :

1. Heard learned Advocate for the Petitioner and learned Addl. GP for the State.

2. This Petition is filed with the following prayers :-

A) This Writ Petition may kindly be allowed with costs.

B) By issuing a writ of mandamus or any other writ of like nature, the respondent No. 2 to 4 may kindly be directed to expeditiously take necessary steps and within a period of four weeks deliver to the Petitioner the possession of his share of :-

i) 0.12.1/2 Are from Land Sy. No. 169/1 situated at Taraf Balgujar, Beed and

ii) 0.37.1/2 Are from Land Sy. No. 110/A situated at Taraf Giram, Beed,

in pursuance to decree dated 26.02.2001 passed by the 3rd Joint Civil Judge Junior Division, Beed in R.C.S. 374/1993.

C) Pending hearing and final disposal of the present petition the respondent No. 2 to 4 may kindly be directed to expeditiously take necessary steps and within a period of four weeks deliver to the Petitioner the possession of his share of :-

i) 0.12.1/2 Are from Land Sy. No. 169/1 situated at Taraf Balgujar, Beed and

ii) 0.37.1/2 Are from Land Sy. No. 110/A situated at Taraf Giram, Beed,

in pursuance to decree dated 26.02.2001 passed by the 3rd Joint Civil Judge Junior Division, Beed in R.C.S. 374/1993.

D) Ad-interim relief in terms of Prayer Clause (C) may kindly be granted.

E) Any other order or relief for which the Petitioner is found entitled to may kindly be granted.

3. The Petition is necessarily for direction to the Collector in the execution proceeding. It would not be proper for this Court to entertain petition arising out of execution proceeding. It is always

open for the Petitioner to pursue the Collector for execution for which, Order 21 of the Code of Civil Procedure is provided. No doubt, in the present Petition, it is seen that the Petitioner is waiting for the fruits of the decree since last 8 years. However, that itself would not justify interference at the hands of this Court. This Court does not find it appropriate to interfere in such matters. The Petitioner is at liberty to prosecute the remedy or pursue the Collector to execute the order as early as possible.

4. With this, the Petition stands disposed off.

5. Pending Civil Application, if any, does not survive and stands disposed off.

(VAISHALI PATIL-JADHAV)
Judge

(KISHORE C. SANT)
Judge

dyb