



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

932 WRIT PETITION NO.15568 OF 2025

PANDURANG GAHININATH RAUT AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Mr. Ashraf Patel, Advocate h/f Mr. A.P. Avhad, Advocate for petitioners

Mr. N.S. Tekale, AGP for respondent Nos.1 to 4

...

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

DATE : 23rd DECEMBER, 2025

ORDER :

. Heard learned Advocate Mr. Ashraf Patel holding for learned Advocate Mr. A.P. Avhad for petitioners and learned AGP Mr. N.S. Tekale for respondent Nos.1 to 4.

2 The petitioners submit that one Hiralal Dinanath Arora had filed appeal before District Superintendent of Land Records, Ahilyanagar for correction of map. In that appeal present petitioners were respondents. By order dated 30.01.2017 said authority had allowed the appeal, whereby

existing Hissa Form No.12 Entry 1236 dated 25.01.1990 in respect of Sy.No.454 (Old Sy.No.970) came to be cancelled. Respondent No.4 after carrying out measurement submitted the proposal for correction of the map. According to petitioners, their land is admeasuring 02 R out of Gat No.1379. Petitioners had filed Regular Civil Suit No.33/1990 before learned Civil Judge Junior Division, Jamkhed. The said suit was decreed and defendant therein was injuncted permanently. The appeal bearing Regular Civil Appeal No.46/2000 was filed by other side before District Court, Ahmednagar, which came to be dismissed on 20.01.2006. The Second Appeal No.556 of 2006 by the original defendant is still pending before this Court. Respondent No.4 had issued notices for measurement to all concerned parties including present petitioners. The measurement was carried out and statement of said Hiralal was also recorded. Petitioners have obtained the copy of proposed map on 12.10.2022. It was informed by respondent No.4 that the said map will be finalized only after the approval of respondent No.2, which will take about 1½ to 2 years. Number of times petitioners have gone to respondent No.3, but no action has been taken. Only communication has been made to respondent No.4 and, therefore, petitioners are seeking following relief :

“(B) By issuing Writ of Mandamus or any writ or direction or order like nature, to direct respondent Nos.3 and 4 to send the said proposed map in respect of Gat No.1375, 1378, 1379, Survey No.454

(Old Survey No.970) which is annexed at “Exhibit D”, to respondent No.2 for approval, and if it is already sent then respondent No.2 needs to be directed to give approval within a period of 3 months.”

3 The first and the foremost fact to be noted is that petitioners have not filed as to whether there is any injunction or any interim order passed by this Court in Second Appeal. When it was the disputed fact, then unless it is finally decided, the petitioners cannot seek the finalization of map. Further, even if we consider that the suit was for injunction only; yet as regards the title of other side is concerned, it can be said that it is yet to be finalized, taking into consideration the measurement. There is no constitutional right in favour of petitioners to ask for directions against respondent Nos.3 and 4 to send the proposed map for the approval of respondent No.2. The petition is devoid of merits, stands dismissed.

(HITEN S. VENEGAVKAR, J.)

(SMT. VIBHA KANKANWADI, J.)

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