

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.13973 OF 2024

Shweta Sachin Bansali & Anr.

....Petitioners

V/S

Amol Sayaji Wadekar & Ors.

....Respondents

Mr. R.D. Soni with Mr. Tushar R. Momaiyesh i/b M/s. Ram & Company *for the Petitioners.*

Mr. Abhijit P. Kulkarni with Mr. Shreyas R. Zarkar and Mr. Gaurav Shahane *for Respondent No.1.*

Mr. S.D. Rayrikar, AGP *for Respondent Nos.3 to 6/State.*

Mr. Rohit Sakhdeo *for Respondent No.7-PMRDA.*

**CORAM: SANDEEP V. MARNE, J.
DATE : 21 MARCH 2025.**

P.C.:

1. The moot question that arises for consideration in the present Petition is whether Respondent No.1 was issued notice at the time of conduct of the impugned measurement. The original records of the case are placed before me which do not indicate that notice in the name of Respondent No.1 was even prepared. However in the statement recorded on 4 May 2016 signature of "S.S. Wadekar" appears. While it is the contention of Mr. Soni, the learned counsel appearing for the Petitioners that he belongs to the family of Respondent No.1, it is the contention of Mr. Kulkarni, the learned counsel appearing for Respondent No.1 that he is a distant cousin of Respondent No.1 and not really concerned with the property of Respondent No.1.

2. In my view with a view to achieve better clarity it would be necessary that a fresh measurement of land bearing Gat No.245 is conducted in which the land purchased by the Petitioner as well as land remaining in the ownership of Respondent No.1 as well as other holders can be demarcated. This would be without prejudice to the rights and contentions of the parties. This Court is mindful of the fact that Respondent No.1 has initiated proceedings challenging the measurement at the belated stage. In the meantime, the development of the land by the Petitioners is now complete.

3. Mr. Rayrikar, the learned AGP appearing for Respondent Nos.3 to 6/State, on taking instructions of the Deputy Superintendent of Land Records makes a statement that a fresh measurement can be conducted within a period of two weeks. At this juncture the Respondent No.1 shall bear the costs of fresh measurement by depositing with the Respondent No.5 (Deputy Superintendent of Land Records) fees of normal measurement on or before 25 March 2025. Petitioner as well as Respondent No.1 shall remain present for conduct of measurement on 1 April 2025. The Deputy Superintendent of Land Records shall forthwith issue notice to Shri Shivaji Anandrao Wadekar and Shri Shamrao Anandrao Wadekar calling them upon to remain present for conduct of fresh measurement on 1 April 2025.

4. Let the measurement map be presented before the Court on the next date of hearing. List the Petition for further consideration high on board on **7 April 2025**.

(SANDEEP V. MARNE, J.)

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