

Prajakta Vartak

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 14727 OF 2023
WITH
INTERIM APPLICATION NO. 10692 OF 2024

Shri. Sadashiv Dattu Tapkir & Ors. ...Petitioners
Vs.
Deputy Superintendent Land Record Haveli & Ors. ...Respondents

Mr. Siddhesh Pilankar for Petitioners.
Mr. R.S. Pawar, AGP, for State.
Mr. Vikas Somawanshi i/b. Mr. Vaibhav Ugle for Respondents.

CORAM: G. S. KULKARNI &
ADVAIT M. SETHNA, JJ.
DATE: 10 MARCH 2025.

P.C.

1. The prayer as made in the petition is in the context of the petitioners desirous to have a measurement of the land bearing Survey No.157/4 situated at Village Choviswadi, at the hands of the Deputy Superintendent Land Record Haveli-respondent no.1.
2. The contention is that respondent no. 4 is causing obstruction in respondent no. 1 undertaking the official work on the application of the petitioners, and it is for this reason the petitioners have impleaded Assistant Police Commissioner as respondent no. 2 and Deputy Commissioner, Pimpri Chinchwad Pune, as respondent no. 3. The petitioners have prayed

that police protection be made available to the petitioners and also the official respondent (respondent no. 1) to undertake the measurement of the land situated at Chovisawadi.

3. In our opinion, respondent no. 4 cannot take a position that he would obstruct respondent no. 1 from discharging his official duties, although respondent no.1 is acting on the application of the petitioners to take a measurement of the land in question. Such action on the part of respondent no.4 would be an illegal act, more particularly affecting the liberty of the petitioners as also obstructing the government officials in performing their duties.

4. We accordingly, direct respondent no.2 to provide appropriate police protection to respondent no. 1 as well as to the petitioners when the measurement of the land in question is to be undertaken.

5. Respondent no. 1 is directed to inform the Assistant Commissioner of Police/respondent no. 2 of the date on which he intends to visit the site and take an inspection for the purpose of measurement. Notice be also issued to respondent no. 4, and until the inspection and the measurement are carried out, the police personnel shall provide all protection. All contentions of the parties in that regard are expressly kept open.

6. We may also observe that if respondent no. 4 has any right, his legal rights are required to be espoused in the manner known to law and not by obstructing the petitioners in regard to the measurement of the land in question.

7. With the aforesaid observations, the petition stands disposed of, keeping open all contentions of the parties on the measurement of the land and any of the rights in respect of the land in question.

8. Charges for the measurement of the land as well as for police protection, if any, are required to be paid by the petitioners.

9. Interim application would also not survive. It is accordingly disposed of.

(ADVAIT M. SETHNA, J.)

(G. S. KULKARNI, J.)