

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 1294 OF 2025

Bipin Jawahar Ingole & Ors

..Petitioners

Versus

Maharashtra State Road Transport Corporation
Ltd

...Respondent

Mr. G.S. Godbole, Senior Advocate, with Shruti Tulpule, for the
Petitioner.

CORAM: N. J. JAMADAR, J.

DATED : 30th JANUARY 2025

P.C.:

1. Heard Mr. Godbole, learned Senior Advocate for the Petitioners.
2. The Petitioners assail an Order dated 4th August 2022 passed by the learned Civil Judge, Senior Division, Malshiras, directing resurvey of the land by the Deputy Director of Land Record (“DDLRL”).
3. The dispute has a chequered history. By an order dated 4th September 2020, this Court had directed the District Superintendent of Land Record (“DSLRL”) to carry out a fresh survey of three plots i.e., Plots originally bearing Survey Nos. 255/A, 255/1A and 254, with a view to ascertain their respective boundaries and to find out if there

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was any encroachment on the part of the Petitioners, over the land claimed by Respondent No.1 decree holder, i.e., land originally bearing Survey No. 255/A forming part of the suit land.

4. Mr. Godbole, learned Senior Advocate for the Petitioner submits that such a survey was carried out and a report has been submitted to the Court; which indicates that there is no encroachment by the Petitioners. There is no provision in law to appoint DDLR as a surveyor. In fact the concerned authority has also informed the Court that DDLR could not have been appointed as a surveyor. It does not appear that the surveyor, who has submitted the report, pursuant to order of this Court, has been examined touching the report of the Court Commission.

5. In such circumstances whether the Court could have appointed DDLR to survey the lands afresh warrants consideration.

6. Issue notice to the Respondent returnable on 27th February 2025. In addition to notice through Court, the Petitioners are at liberty to serve the Respondent by private service and file an Affidavit of Service.

7. In the meanwhile, there shall be ad-interim relief in terms of prayer clause (e).

[N. J. JAMADAR, J.]