

VRJ

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1860 OF 2025
WITH
WRIT PETITION NO.1861 OF 2025

VAIBHAV
RAMESH
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Vitthal Bapu Darekar ... Petitioner
V/s.
The State of Maharashtra & Ors. ... Respondents

Mr. Drupad S. Patil with Mr. Sandeep Patade for the
petitioner in both writ petitions.

Mr. Abhijit Patil for respondent No.5.

Mr. O. A. Chandurkar, Addl. G. P with Ms. Savina R.
Crasto, AGP for the State-respondent Nos.1 to 4 in
WP/1860/2025.

Mr. Bapusaheb Dahiphale, AGP for the State in
WP/1861/2025.

CORAM : AMIT BORKAR, J.

DATED : FEBRUARY 12, 2025

P.C.:

1. The present writ petitions arise out of proceedings initiated under Section 134 of the Maharashtra Land Revenue Code, 1966.
2. Upon a meticulous perusal of the impugned order, it appears that the authorities acting under the Act have not duly considered the essential ingredients mandated by Section 134 of the Maharashtra Land Revenue Code, 1966. The decision, having been based primarily on maps and other ancillary material,

demonstrates a disregard for the comprehensive inquiry required by the statute.

3. Section 134 of the Maharashtra Land Revenue Code, 1966 empowers the Survey Officers to ascertain the boundary of a field or holding. In discharging this duty, the Survey Officer is required to consult the land records, verify the occupant's claim through the village officer, obtain the representations of holders of adjoining land, and consider any other relevant evidence or information that may be procured.

4. In view of the foregoing and considering the specific facts of the case, it is hereby directed that the exercise under Section 134 in relation to Gat Nos. 304 and 307 be conducted afresh. Such re-investigation shall be carried out after affording both parties a full and fair opportunity to be heard, enabling them to adduce any additional material evidence in support of their respective positions. The Survey Officer, while adjudicating the holding of persons in relation to Gat Nos. 304 and 307, shall ensure that the inquiry is conducted in strict conformity with the principles of natural justice and the statutory requirements.

5. In light of the aforementioned considerations, the writ petitions are hereby disposed of, with no costs imposed on either party.

6. Consequently, the orders impugned in the writ petitions are declared unenforceable.

(AMIT BORKAR, J.)