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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL WRIT PETITION NO. 4754 OF 2025

Kanak Harshad Mehta ...Petitioner
Versus
State of Maharashtra and Ors. ...Respondents

Mr. Sandeep S. Patade i/b. Kayval P. Shah, Advocates for the Petitioner.
Mr. A.I. Patel, Additional G.P. a/w. Ms. T.J. Kapre, AGP for the State.

CORAM : G. S. KULKARNI &
ADVAIT M. SETHNA, JJ.

DATE : 8 APRIL, 2025

PC.:

1. This Writ Petition is filed under Article 226 of the Constitution of India for the substantive reliefs, which read thus:

“(a) That this Hon’ble Court may be issue a writ of mandamus or any other appropriate writ, order or direction in the nature of mandamus thereby directing the Respondent No.2 to carry out the measurement in respect of private Plot No. 99(Part) admeasuring 0 Hecter 02.5 Are, 250 sq. meter (2690 sq.ft.) and private Plot No. 100, admeasuring 0 Hecter 02.5 Are, 250 sq. meters (2690 sq.ft) out of Survey No. 39/5 situate at Village Haveli, Taluka Baner, District Pune taking necessary police protection, and provide the C-copy to the Petitioner within the reasonable time as this Hon’ble Court may deem fit and proper.

(b) That this Hon’ble Court may be issue a writ of mandamus or any other appropriate writ, order or direction in the nature of mandamus thereby directing the Respondent No.2 to take necessary and sufficient police protection at the cost of the Petitioner for carrying out measurement of the subject property.”

2. The Petitioner, as claimed in the Petition is the joint owner of land being private plot No. 99 (Part) situate at Survey No. 39/5 admeasuring 0 hector 02.5 Are, 250 square meter. (2690 sq. ft.) along with her deceased husband Mr. Harshad Mansukhlal Mehta and also another private Plot No. 100 situate on Survey No. 39/5 admeasuring 0 Hector, 02.5 Are, 250 square mtrs. (2690 sq.ft.) in the joint ownership of her deceased husband and son Mr. Samit Harshad Mehta ('**subject lands**' for short). The subject lands are located at Village Baner, Taluka Haveli, Pune falling within the jurisdiction of Sub-Registrar, Haveli No.4, Pune. According to the Petitioner, the 7/12 extracts of the subject lands also show the name of the Petitioner. The grievance of the Petitioner arises from the inaction on the part of Respondent No.2 i.e., Deputy Superintendent of Land Records, Taluka Haveli, District Pune to carry out the measurements of the subject lands owned by the Petitioner, despite making an application/ representation in this regard dated 15th January, 2021 and paying the requisite charge of Rs. 36,000/- for such measurement.

3. It is in the aforesaid backdrop, the present petition is filed.

4. Heard Mr. Patade, learned counsel for the Petitioner and Mr. A.I. Patel, learned AGP for the State. Mr. Patel would oppose the Petition. However, there is no written opposition and/or affidavit-in-reply on record.

5. Mr. Patade would submit that despite making request for the measurement for the subject lands and paying the requisite fees for the same, such measurement is not carried out until date by Respondent No.2. He would also urge that the Petitioner faces obstruction from the neighboring plot owners who have threatened the petitioner with dire consequences,

compelling the Petitioner to file a complaint with the Chatusurti Police Station, Pune on 10 December, 2012. It is in such circumstances that he would request for police protection during the said measurement so that the same can be carried out without any hindrance.

6. Having considered the above, we find that the Petitioner had made an application dated 15 January, 2021 to Respondent No.2 i.e., Deputy Superintendent of Land Records, Pune for carrying out measurement of the subject lands jointly owned by the Petitioner. However, till date there is no progress in this regard. In such circumstances, the Petitioner has approached the Court for grant of appropriate reliefs.

7 In the light of the above facts, the following order would meet the ends of justice.

ORDER

(I) The Respondent No.2 i.e., Deputy Superintendent of Land Record shall carry out the measurement of the subject lands owned by the Petitioner as noted above in accordance with law, more particularly, as per the provisions of the Maharashtra Land Revenue Code, 1966, with the Rules framed thereunder and by following the proper procedure.

(ii) Such exercise shall be completed within a period of six weeks from the date this order is presented to Respondent No.2. The Petitioner shall fully cooperate with the Respondents in carrying out such measurements.

(iii) Such measurement shall be carried out by Respondent No.2 with the assistance and supervision of the police which be provided by the officer-in-charge of the local police station, who shall also remain present during such measurement, at the cost of the Petitioner.

- (iv) All rights and contentions of the parties are expressly kept open.
- (v) Writ petition is disposed of in the above terms.
- (vi) No order as to costs.

[ADVAIT M. SETHNA, J.]

[G. S. KULKARNI, J.]