

VAISHALI
ANIL
TIKAM

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL WRIT PETITION NO. 4763 OF 2025

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M/s. G.M. Developers through
its Partners

...Petitioner

Versus

The State of Maharashtra and Ors.

...Respondents

Mr. Sandeep S. Patade i/b. Kayval P. Shah, Advocates for the Petitioner.
Mr. Y.D. Patil, 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 directions in the nature of mandamus thereby directing the Respondent No.2 to carry out the measurement in respect of private Plot No. 78 admeasuring 0 Hector 03.52 Are, 352 sq. meter out of Survey No. 39/5 situated at Village Haveli, Tal. Baner, Dist. Pune 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 pleased to 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 private Plot No. 78 admeasuring 0 Hector 03.52 Are, 352 sq. meter out of Survey No. 39/5 situated at Village

Haveli, Tal. Baner, Dist. Pune.”

2. The Petitioner, as claimed in the Petition is the owner of land being private Plot No. 78 admeasuring 0 Hector 03.52 Are, 352 sq. meter out of Survey No. 39/5 situated at Village Haveli, Tal. Baner, Dist. Pune (**‘subject land’** for short). The subject land is 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 extract of the subject land also shows 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 14th January, 2021 and paying the requisite charge of Rs. 60,000/- 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. Y.D. Patil, AGP for the State. Mr. Patil 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 land 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 local police station at Pune. 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 14 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.
- (v) No order as to costs.

[ADVAIT M. SETHNA, J.]

[G. S. KULKARNI, J.]