

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5627 OF 2025

Sunil Pandharinath Patil

...Petitioner

Versus

The State Of Maharashtra Thr. G. P. And Ors

...Respondents

Mr. Sandeep Patade i/b Kaydal Shah, for the Petitioner.

Ms. S.A. Prabhune, AGP for State.

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

DATE : 28 APRIL 2025

P.C.:-

1. This petition is filed under Article 226 of the Constitution of India for the following substantive reliefs which read thus :-

“(a) That this Hon'ble Court may be pleased to 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. 97 and 98 admeasuring 0 Hector 03.93 Are, 292 sq. meters (3150 sq. ft.) 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 Plots No. 97 and 98 admeasuring 0 Hector 03.93 Are, 292 sq. meters (3150 sq. ft.) 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 a plot no. 97 and 98 bearing survey no. 39/5 admeasuring 0 Hector 02.93 R, 292.75 sq. meter situated at village Baner, Taluka Haveli, District Pune falling within the jurisdiction of Sub-Registrar, Haveli, Pune (“**subject land**”). 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 land owned by the petitioner, despite making an application/representation in this regard dated 14 January 2021 and paying the requisite charge of Rs. 36,000/- for such measurement.

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

4. Heard Mr. Sandeep Patade, learned counsel for the petitioner and Ms. S.A Prabhune, learned AGP for State. Ms. S.A. Prabhune, 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 till date by respondent no. 2. He would urge that the petitioner is grappling with obstacles from certain persons in the vicinity. For such reason, that the measurement is carried out smoothly and without hindrance, he would request for it to

undertaken in the presence of the local police during the said measurement.

6. Having considered the above, we may observe that the petitioner had made an application dated 14 January 2021 to respondent no. 2 for carrying out measurement of the subject land. However till date there is no progress in this regard. In such circumstances, the petitioner has approached this Court for the grant of appropriate relief in the nature of undertaking measurement of the subject land by the respondents at the earliest. Mr. Patade would also draw the attention of this Court to an order dated 8 April 2025 decided in Civil Writ Petition No. 4763 of 2025 passed by this Court in similar facts and circumstances.

7. Considering the above, in our view, the following order would meet the interest 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 measurements 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. No costs.

[ADVAIT M. SETHNA, J.]

[G. S. KULKARNI, J.]