



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

Writ Petition No. 864 of 2025

[Vasudeo Anandrao Pawar and ors. ..vs.. Ashok Pandurang Adhau
and ors.]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. I. A. Fidvi, Advocate for the petitioners
Ms. D. V. Sapkal, AGP for the respondent no. 11

CORAM : ANIL L. PANSARE J.

DATED : 17-04-2025

Learned Assistant Government Pleader (AGP) has tendered across the bar copy of map along with letter dated 8-4-2025 issued by Deputy Superintendent of Land Record (respondent no. 11 herein), who was appointed as Court Commissioner. Copy of the same has been supplied to petitioners' counsel today as well. Same is taken on record and marked 'Article X' for identification.

The map is so filed because in order dated 24-2-2025, this Court noted that order impugned refers to the remark of Court Commissioner that encroached portion has been shown at serial no. 4. However, the map placed on record before this Court did not show such encroachment and, therefore, learned AGP was called upon to take instructions.

Learned AGP submits that map placed before this Court is not the map referred to by the trial Court.

I have therefore, once again gone through the map placed before the Court to find that map was prepared on 9-6-2016 whereas the Court Commissioner is appointed in 2023. Thus, *prima facie* the map relied upon by the petitioners appears to be not the same which has been referred to in the impugned order. The map placed on record today by learned

AGP indicates that under remarks no. 4, there is a clear mention of encroachment on land bearing Gat No. 257. The remark further indicates that occupiers of land bearing Gat No. 260 and 260/1 are in possession of land admeasuring 1.76 HR of the land being Gat No. 257. It is this portion of map that is referred to in the impugned order.

The petitioners appear to have mislead this Court by filing map which was either not placed on record before the trial Court or was not referred to by the trial Court. The petitioners are accordingly called upon to explain as to why such misleading statement is made. Affidavit be filed to that effect.

List in the week commencing from 5-5-2025.

(Anil L. Pansare, J.)

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