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902-CA-3894-2026

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

902 CIVIL APPLICATION NO. 3894 OF 2026
IN WP/361/2025

Murlidhar Pralhad Wattamwar

VERSUS

Chandrakant Hanmallu Rekhawar and Ors.

WITH

WRIT PETITION NO. 361 OF 2025

...

Mr. Nitin N. Jagdale, Advocate for Applicant and Orig. Respondent No.9.

Mr. S. J. Salgare, AGP for Respondent-State.

Mr. U. B. Deshmukh, Advocate for Respondent No.1 in application/Orig. Petitioner.

Mr. R. N. Chavan, Advocate for Respondent No.6/Orig. Respondent No.5.

CORAM : KISHORE C. SANT, J.

DATE : 2nd APRIL 2026.

PC :-

1. Heard Mr. Jagdale, the learned Advocate for the applicant-original respondent No.9, Mr. Deshmukh, learned Advocate for respondent No.1 /original petitioner, Mr. Chavan, learned Advocate for respondent No.6, who is Respondent No.5 in the writ petition and Mr. Salgare, the learned AGP for Respondent-State. No notice is required to other parties

looking to the prayers in this application.

2. The applicant, by way of this application, has prayed for clarification of the interim order dated 14.01.2025 passed by this Court in Writ Petition No.361 of 2025. This Court, by way of the said order, had granted interim relief in terms of prayer clause ©, which reads as under:

“(C) Pending hearing and final disposal of this writ petition, the further proceedings initiated pursuant to impugned notice before Id. Deputy superintendent of Land Record, Degloor in file Number/Land measurement/Complaint Application/Degloor /2024 bearing outward number 1374 may kindly be stayed.”

3. The dispute in the said petition is only between respondent Nos. 1 and Respondent No.6. The present applicant is only a formal party in the petition. He is concerned only because he also having a land in the same Gut Number where the lands of Respondent Nos. 1 and 6 and other respondents are situated. It is his case that he wants to sell the land to his extent from the said Gut Number. He therefore approached the respondent-authority for measurement of his land. Since the

measurement was to be carried out by the authorities, they issued notices to all the holders of the said land. The respondent No.6 filed an objection that if the measurement is carried out, it will create complications. He is the disputant, who has started the dispute before the authorities, and the said proceeding is pending before this Court, in which now the interim relief is granted by this Court. On his objection, the authorities refused to go for measurement citing the reason that the interim order is passed by this Court. It is the case of the present applicant that he has nothing to do with the case. His land is mutated though in the said gut number; however, the land to his extent will not cause any complications.

4. The learned Advocate Mr. Jagdale vehemently argued that because of this order, no measurement is carried out and consequently, the applicant is not in a position to sell his land. The order is thus to that extent is prejudicial to him, and the same needs to be modified or at least needs to be clarified to the effect that there is no hurdle in measuring the land bearing Gut No.865 from village Degloor Dist.

Nanded at least to his extend.

5. The learned Advocate for respondent No.6 raises an objection that if the land is measured, it will create complications. It is on his objection that the authority has refused to measure the land. He thus submits that the application deserves to be dismissed.

6. The learned Advocate Mr. Umakant Deshmukh who appears for petitioner in writ petition, in fact, stated that his client has no objection to the measurement. The interim relief, though prayed for, was not intended to stall any other activity, including measurement in the land.

7. Considering that the dispute is between present respondent No.1 and Respondent No. 6 and that the applicant has no role in the said dispute, this Court finds that, under such circumstances, not allowing the applicant to measure his land would certainly cause prejudice. The interim order was not intended to stall any other activity on the land. Considering above, this court finds that the application needs to be allowed. Hence, the following order:

8. Civil application stands allowed.

9. It is clarified that the order dated 14.01.2025 is restricted to the stay of the proceeding before the Respondent No. 4-DSLR, Degloor, Dist. Nanded in the writ petition. There is no stay granted so far present applicant is concerned.

10. With this, civil application stands disposed off.

[KISHORE C. SANT, J.]