

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION (ST) NO. 5294 OF 2026

Santosh Shivaji Kawade & Anr.

.. Petitioners

Versus

The Collector, Pune & Ors.

.. Respondents

.....

- Mr. Aniket Malu, Advocate for Petitioners
- Mr. A.I. Patel, Addl. G.P a/w Mr. Aditya R. Deolekar, AGP for State

.....

CORAM : MILIND N. JADHAV, J.

DATE : FEBRUARY 23, 2026

P. C.:

1. Not on board. Mentioned by way of filing a praecipe dated 23.02.2023 at the time of rising at 5.15 p.m.

2. Heard Mr. Malu, learned Advocate for Petitioners and Mr. Deolekar, learned AGP for State.

3. Mr. Malu has sought urgent indulgence of this Court in view of the purported action to be taken by Mandal Officer, Yerwada tomorrow in respect of वाटप दरखास्त स्पेशल मु. नं. 12/2003 dated 30.08.2025. He would submit that pursuant to the directions received from Tahsildar's office dated 29.12.2025, the purported action of demarcation by metes and bounds is to be undertaken tomorrow i.e. on 24.02.2026 in respect of the subject properties belonging to Petitioners and the private Respondents. He would draw my attention to the impugned notice dated 03.02.2026 (appended at Exh, 'H', page

Nos. 89-91 of Petition) to contend that by virtue of the said notice, all parties have been directed to remain present tomorrow to handover possession so that the directions contained in the aforesaid proceedings are carried out in accordance with law. However he would submit that there is one difficulty i.e. there are certain encroachments on the properties belonging to the Petitioners as also some of other private Respondents. He would submit that if those encroachments remain on the subject properties, it would be difficult for the Mandal Officer to carry out and implement the orders passed by Tahsildar's office. He would submit that it is true that the machinery has been set into motion in order to do effective justice to all the parties including the Petitioners before me. He would submit that if the encroachments are fully removed, then the property can be demarcated / sub-divided by metes and bounds. He makes one thing very clear and that is he is not averse to the purported action under the notice to be taken. The only grievance he exhibits before the Court is that because of prevailing encroachments which were earlier removed but have now again resurfaced, sub-division of the property will not be effectively done according to him. He would submit that as per the provisions of law, every co-owner / holder has a right to object to the demarcation which is yet to happen. This grievance will also be considered accordingly.

4. Mr. Deolekar, learned AGP appears on notice. He would submit that as per Petitioner's submissions, they are not averse to carry out demarcation and measurement but they are aggrieved with the encroachments therein and want to be heard. He would submit that he has to take appropriate instructions from the concerned Mandal Officer and shall accordingly apprise the Court on this tomorrow. He is directed to bring to the notice of the Mandal Officer copy of this order and obtain appropriate instructions from him about the procedure and apprise the Court tomorrow i.e. on 24.02.2026 at 03.00 p.m. so that this Court will be in a better position to assess the situation on the ground as per notice dated 03.02.2026 which states that the purported action is to be carried out on 24.02.2026 at 11.30 a.m. This is so because the Petitioners have also come to the Court at the eleventh hour and have moved the Court at 5.15 p.m. today at the time of rising despite having received the notice dated 03.02.2026 on the same day itself. Be that as it may, learned AGP has been handed over a copy of the Petition in the afternoon today. Copy of this order shall be uploaded today itself.

5. Learned AGP is directed to look into the matter and accordingly take instructions from the Mandal Officer and apprise the Court tomorrow after which this Court will consider issuing notice.

6. Stand over to **24th February, 2026 at 3.00 p.m.**

Amberkar

[MILIND N. JADHAV, J.]

Digitally signed
by RAVINDRA
MOHAN
AMBERKAR
Date:
2026.02.23
18:37:35 +0530