

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD**

WRIT PETITION NO.10269 OF 2014

Jagdishlal Jivanram Agrawal,
Since deceased through L.Rs.
Santoshkumar Jagdishlal Agrawal,
Age 49 years, Occu. Business,
R/o Agrawal Medical Stores,
Old Cloth Bazar, Shirpur,
District Dhule

..Petitioner

Versus

1. Dilip Magan Prajapati,
C/o Former Chairman,
Hasmukhbhai Patel,
Subhash Colony,
Shirpur, Dhule
2. Shri Anil Vasantrao Lungase,
Age 50 years, Occu. Service,
R/o Plot No.92, Subhash Colony,
Near Banumay School,
Shirpur, District Dhule
3. The Administrator,
Subhash Housing Co-operative
Society (Notice to be served on
the Assistant Registrar, Co-operative
Society, Market Yard, Shirpur,
District Dhule)
4. The Collector, Dhule
District Dhule
5. The Deputy Commissioner,
Nashik Division, Nashik
New Administrative Building
Nashik road, Nashik,
District Nashik

..Respondents

Mr S.P. Shah, Advocate for petitioner
Mr A.V. Deshmukh, A.G.P. for respondents No.4 and 5

CORAM : N.W. SAMBRE, J.**DATE : 16th November 2015****PER COURT**

1. The petitioner herein has questioned the order dated 9th May 2013 passed by learned Additional Commissioner, Nashik Division, Nashik in Revision No.3 of 2013 whereby stay granted in favour of present petitioner was vacated. The few facts as are necessary for deciding the petition are as under :

2. It is the case of the petitioner that the property mentioned in the proceedings was allotted to his father way back in 1961 and though the said allotment was cancelled, the possession remained with his father. According to him, after cancellation of allotment property came to be allotted in favour of the respondent No.1 through a Co-operative Housing Society. However, in view of the fact that the possession was never taken lawfully from him, the stay needs to be confirmed in his favour.

3. This Court, while dealing with the issue of grant of injunction in favour of petitioner, has already considered the entire issue including that of evidence on record as regards the entitlement of the petitioner in Writ Petition No.8628 of 2013.

4. It is required to be noted that in a civil suit initiated by the petitioner, the Civil Judge, Junior Division, Shirpur and learned District Judge-2, Dhule have refused to grant the injunction, which orders are upheld by this Court.

5. In view of above referred background, in my opinion, the prayer made by the petitioner for continuation of interim relief is also required to be rejected for the reasons recorded in the said order. As a consequence, this petition also fails, stands dismissed.

(N.W. SAMBRE, J.)

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