

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

CRIMINAL WRIT PETITION NO. 898 OF 2015

1. Manika s/o Sambhaji Barge
Age : 60 Yrs., Occ. Agriculture,
R/o : Gopalchawadi, Taluka &
Dist. : Nanded.
2. Pandurang s/o Sambhaji Barge
Age : 52 Yrs., Occ. Agriculture,
R/o : Gopalchawadi, Taluka &
Dist. : Nanded.

.... PETITIONERS

V E R S U S

1. The State of Maharashtra
Through Taluka Executive
Magistrate, Tahsil office,
Nanded.
2. Revat s/o Raghunath Shinde
Age : Major, Occ. Agriculture,
R/o : Gopalchawadi, Taluka &
Dist. : Nanded.

.... RESPONDENTS

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Mr. S.S.Gangakhedkar, Advocate for Petitioners.

Mr. D.V.Tele, A.P.P. for Respondent No.1–State.

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CORAM : V.M.DESHPANDE, J.

DATE OF JUDGMENT : 30th JULY, 2015

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JUDGMENT :

1. Rule. Rule is made returnable forthwith. Heard finally by the consent of the learned counsel for the parties.

2. Heard Mr. S.S.Gangakhedkar, learned Counsel for the petitioners and Mr. D.V.Tele, learned A.P.P. for Respondent No.1 – State.

3. By the present Criminal Writ Petition petitioners are challenging the Order passed by the Tahsildar, Nanded dated 20/04/2015 in Case No. 13/MAG/Section 145/CR-140, by which the Tahsildar directed that the disputed land to the extent of 67 R. from and out of G.No. 22 of Mauje Gopalchawadi of district Nanded shall be taken in possession of by the Circle Officer, Vasrani, District Nanded till the decision of R.C.S. No. 1114/2012, together with the Judgment and Order passed by the learned Revisional Court in Criminal Revision No. 62/2015 dated 07/07/2015, by

which the Revisional Court dismissed the Revision filed on behalf of the petitioners.

4. Undisputedly, a dispute is going-on between the petitioners and respondent No. 2 in respect of the ownership of said land. However, in so far as possession aspect is concerned, present petitioners have lost the cause till this Court when their Writ Petition No. 84 of 2013 was dismissed. Said Writ Petition arises out of temporary injunction proceedings. Thus, it is crystal clear that no injunction order is operating in favour of the petitioners. Said aspect is rightly considered by the learned Revisional Court.

Learned revisional Court also correctly reached to the conclusion that opportunity was given to the petitioners and respondent No. 2 and after holding enquiry, revenue authority, in order to avoid untoward incident, passed the Order dated 20/04/2015.

5. Learned counsel for the petitioners was unable to point out any perversity in the Judgment and Order passed by the learned Revisional Court for interference.

6. Hence, present Criminal Writ Petition is dismissed.

[V.M.DESHPANDE, J.]

KNP/Cr. W.P. 898.2015 - [J]