

IN THE HIGH COURT OF JUDICATURE AT MUMBAI  
CIVIL APPELLATE JURISDICTION  
WRIT PETITION NO.7362 OF 2015

M/s. Supreme Infrastructure Private Limited through  
its Manager Pritesh M. Davne ... Petitioner  
Vs.  
The District Collector and others ... Respondents

Mr. Anilkumar Patil for Petitioner.  
Mr. A. R. Metkari, AGP for Respondents-State.

**CORAM : R. G. KETKAR, J.**  
**DATE : 28<sup>TH</sup> JULY, 2015**

**P.C. :**

Not on Board. At the request of Mr. Patil, taken up in the production Board.

2. Heard Mr. Patil, learned Counsel for petitioner and Mr. Metkari, learned AGP for respondents-State. Rule. Mr. Metkari waives service for respondents. By consent of the parties, Rule is made returnable forthwith and the Petition is taken up for final hearing.

3. By this Petition under Article 227 of the Constitution of India, the only prayed made by the petitioner is to direct the learned trial Judge to expeditiously dispose of applications exhibits-11 and 12 preferred by the petitioner in Regular Civil Suit No.368 of 2015.

4. Mr. Patil submitted that respondents have confiscated Pokland machine on 05.04.2015. Petitioner has instituted Regular Civil Suit No.368 of 2015 in the month of May, 2015. Along with that Suit, plaintiff has also filed application for mandatory injunction directing the respondents-defendants to handover Pokland machine confiscated by

them. The learned trial Judge, however, has not disposed of the said application. Petitioner has, therefore, filed application at exhibit-12 for directing defendants-respondents to release the Pokland machine and exhibit-11 for injunction restraining the defendants from causing obstruction to the plaintiff.

5. I find that the request made by Mr. Patil is reasonable as the respondents have confiscated the Pokland machine on 05.04.2015. Though the Suit is filed in May 2015 and application is taken out along with the Suit, no orders are passed till date. Hence, Petition is allowed in terms of prayer clause (b). The learned trial Judge is requested to expeditiously hear the application filed by the plaintiff along with the Suit as also exhibits 11 and 12. Rule is made absolute in the aforesaid terms.

**(R. G. KETKAR, J.)**

*Minal Parab*