IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 1666 OF 2015

Sahebrao D. Thorat .. Petitioner
vs.
Narayan V. Thorat and ors. .. Respondents

Mr. D.S. Patil for the Petitioner.
Mr. T.D. Deshmukh for Respondent Nos.1 & 4
Ms Vaishali Nimbalkar, AGP for Respondent No.10

CORAM : M. S. SONAK, J.
DATE : 23 NOVEMBER 2015.

P.C. :-

1] The relief prayed for in the present petition reads thus:

> *a] This Writ Petition may be allowed and by appropriate Writ the Respondent No. 10 Tahasildar, Talukar Ambegaon, District Pune may be directed to deliver possession of the encroached portion of the suit land Gat No.1619 Area O H. 77 R. of Village Chandoli, Budruk, Taluka Ambegaon, District Pune to the Petitioner in execution of the Order dated 21.08.2012 passed by the Tahasidlar Taluka Ambegaon, District Pune in BND Case no. 4 of 2012.*

2] At this stage, it is not possible for this Court to grant relief as prayed for.

3] This is because, it transpires that Respondent Nos.1 to 9 have already filed a Civil Suit in relation to suit property, wherein some interim orders have been made. The learned counsel for the Petitioners and the learned counsel for Respondent Nos.1 and 4 have their own interpretation to what the interim order precisely means.

4] However, one thing is clear that the Tahasildar against whom a writ of mandamus has been applied for has not at all heard the Respondents in this petition or made any orders in relation to the Petitioners' applications/representations dated 23 April 2014 (pages 82 and 84 of this paper-book).

5] Accordingly, it would be appropriate to dispose of this petition by directing the Tahasildar to hear both the Petitioners as well as Respondent Nos.1 to 9 and thereafter to take decision in accordance with law on the aforesaid two representations dated 23 April 2015.

6] It is made clear that this Court has not examined the merits of the matter and therefore, the Tahsildar shall decide the matter in accordance with law and all contentions of all parties are kept open.

7] This petition is disposed of in the aforesaid terms.

(M. S. SONAK, J.)

dinesh