

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

**WRIT PETITION NO. 7660 OF 2015**

Vitthal Jayram Patil and another

...PETITIONERS

versus

The State of Maharashtra and others

...RESPONDENTS

.....  
Mr. Vijay B. Patil, Advocate for petitioners  
Mr. V.G. Shelke, AGP for respondents No. 1 and 2  
Mr. Girish Rane, Advocate for respondent No. 3  
.....

**CORAM : SUNIL P. DESHMUKH, J.**

**DATED : 7<sup>th</sup> MARCH, 2016.**

**Order :-**

1. Heard learned counsel for the parties.
2. Position undisutably emerges that proceeding initiated at the instance of petitioners under Mamalatdar Courts Act, 1906 have been culminated into an order of setting aside order passed by the authority. As such, there is no order in favour of the petitioners under said enactment. It further emerges that civil suit for declaration and negative declaration against right claimed by the petitioners and injunction has been instituted at the instance of present respondent No. 3 and the same is pending.
3. Mr. Rane, learned counsel for respondent No. 3 refers to that in the proceedings injunction has already been granted and the same has been continued till the appellate stage. However, those proceedings would not be of much relevance here.

4. Having regard to reliefs, it appears that civil court is in seizin of the matters. In the circumstances, no fruitful purpose would be served by entertaining present petition.

5. As such, writ petition stands rejected. It is made clear that rejection of this petition shall not affect contentions and merits in the civil proceedings pending amongst the parties.

**( SUNIL P. DESHMUKH, J. )**

MTK