

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

916 WRIT PETITION NO. 9776 OF 2016

SWAMI RAMPRAKASHNAND GIRIJI MAHARAJ
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Shri. Vijay Y. Patil, Advocate, for petitioner.

Shri. S.K. Tambe, Assistant Government Pleader, for
respondent Nos.1 to 5.

CORAM: T.V. NALAWADE, J.

DATE : 22 SEPTEMBER 2016

ORDER:

1) The petition is filed for giving direction to the revenue authority, the Additional Divisional Commissioner Nasik in RTS Revision No.468/2016 to pass interim order in favour of the present petitioner. He has filed the said petition to challenge the order made by the Additional Collector, Jalgaon by which the order made in favour of the petitioner to enter his name in 7B column of the 7/12 extract is set side.

2) It is the grievance of the petitioner that the Additional Divisional Commissioner has not made any interim order and due to that there is possibility that present respondent No.6 Nandu Rathod may take away the corps cultivated by the petitioner. Submission made shows that Regular Civil Suit No.116/2013 is also filed by the present petitioner against Nandu Rathod for relief of specific performance of contract. It can be said that relief of injunction can be claimed and could have been claimed in the civil Court and the relief which is claimed in prayer clause (D) cannot be granted under any circumstance in the proceeding like the present one. In the present petition a direction is sought against the Divisional Commissioner to make interim order. Such relief also cannot be granted by this Court and only order can be made is to see that things are expedited.

3) So, the Divisional Commissioner is hereby directed to expedite the things, the decision of RTS Revision No.468/2016 and in any case within four months from the date of appearance of the respondent if he has not appeared and if the respondent has already appeared,

within one month from the date of this order. There is liberty to the petitioner to move the Civil Court. The petition stands disposed of. Authenticated copy is allowed.

Sd/-
(T.V. NALAWADE, J.)

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