

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 10223 OF 2013

NIZAMODDIN WALI CHOTU SHAIKH AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioners : Mr.Mazhar A. Jahagirdar Shaikh
AGP for Respondents: Mrs. A.V. Gondhalekar

with

WRIT PETITION NO. 4488 OF 2014

MOHAMMAD NIYASODDIN MOHAMMED BURHANODDIN AND OTHERS
VERSUS
THE STATE OF MAHARSHTRA AND OTHERS

Mr. G.R. Syed, Advocate for petitioners
Mrs. A.V. Gondhalekar, AGP for respondents.

**CORAM : S.V. GANGAPURWALA
& K.K. SONAWANE, JJ.
DATE : 29th JUNE , 2016.**

PER COURT:

1] In both these matters, the petitioners have assailed the notice/order dated 4/12/2013, directing the Tahsildar to take possession of the property till the succession proceedings are pending. Learned AGP, on instructions, submits that succession proceedings referred to in the impugned communications, is still pending. It is for the authority to decide the said succession proceedings. It will not be appropriate to disturb the possession pending the said proceedings.

2] Considering the above, the impugned notice/orders shall not be acted upon nor shall be enforced, pending the succession proceedings, referred to in the impugned order. Depending upon the decision in the

succession proceedings, parties may take further course of action as may be permissible in law. It is made clear that we have not considered the contentions of either of the parties on merits and the same are kept open. Writ petitions are accordingly disposed of. No costs.

[K.K. SONAWANE]
JUDGE

[S.V. GANGAPURWALA]
JUDGE.

grt/-