

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.3604 OF 2015

Diwakar s/o Ragho Dhurve and anr.

-vs-

State of Maharashtra Thr. its Collector, Wardha and ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri S. D. Chopde, Advocate for petitioner.
Shri S. Ahirkar, AGP for respondent Nos.1 to 4.

CORAM : A.S.CHANDURKAR, J.

DATE : JUNE 21, 2016

Heard Shri S.D. Chopde, the learned counsel for the petitioner and Shri S. Ahirkar, the learned Assistant Government Pleader for respondent Nos.1 to 4.

The petitioners are the original plaintiffs who are aggrieved by the order passed by the trial Court in the suit filed by the petitioners holding the same to be not maintainable. In the aforesaid suit, it was the prayer of the petitioner that the respondent Nos.1 to 4 should not take any steps to convert the agricultural land as Class-I land. A further injunction seeking to restrain the respondent No.5 from taking any steps in that regard was also sought. The trial Court by considering the provisions of Section 158 of the Maharashtra Land Revenue Code, 1966 and Section 4 of the Bombay Revenue Jurisdiction Act, 1876, found that the prayers made in the suit could not be granted by the civil Court.

After hearing the respective counsel I do not find the trial Court committed any error while passing the impugned

order. The relief sought in the plaint was that which was specifically barred from being obtained in the civil Court. The provisions of Section 158 of the Maharashtra Land Revenue Code, 1966 and Section 4 of the Bombay Revenue Jurisdiction Act, 1876 clearly bar filing of suit of the present nature.

In view of aforesaid, there is no case to interfere in writ jurisdiction. The writ petition is dismissed. No order as to costs.

JUDGE