

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 2023 OF 2016

SHIVAJI SAKHARAM DEVADE DIED THROUGH LRS
VERSUS
MANORAMA BHAUSAHEB MULE AND OTHERS

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Advocate for Petitioners : Shri M.G.Kolse Patil
AGP for Respondents 2 to 5 : Shri S.K.Tambe
Advocate for Respondent 1 : Shri A.S.Gandhi

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CORAM : RAVINDRA V. GHUGE, J.
Dated: July 03, 2017

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PER COURT :-

1. The petitioner has challenged the decision of the Tahsildar dated 28.9.2015, delivered in RTS No. 255 of 2015.
2. The same order was subject matter of RTS Appeal No.304 of 2015 before the Sub Divisional Officer, Shirdi ("SDO"). Since the SDO did not grant interim relief to the petitioner, he has filed RTS Revision No.120 of 2015 before the District Collector, Ahmednagar.
3. In the meanwhile, the petitioner has filed RCS No.550 of 2015 for injunction and declaration as regards 0.01 Ares land at issue.

4. During the pendency of this petition, the SDO has considered the challenge of the petitioner to the order of the Tahsildar dated 28.9.2015 and has delivered a final judgment on 18.11.2016. S

5. Shri Gandhi, learned Advocate for respondent No.1 submits that the petitioner now has preferred an RTS Revision, before the Collector for challenging the judgment dated 18.11.2016.

6. Shri Gandhi further submits that the application for temporary injunction filed by the petitioner under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure has been rejected by the trial Court on 10.7.2015 and no Misc. Appeal has been filed.

7. Considering the above, this petition is disposed off as the impugned order was already subject matter of the RTS Appeal No.304 of 2015 and the judgment therein is now subjudiced before the Collector. The same order cannot be challenged before two different fora.

8. Needless to state, the disposal of this petition is on the

jurisdiction issue and will not be an impediment to the petitioner to avail of his legal remedy, if any.

(RAVINDRA V. GHUGE, J.)

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