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

**CIVIL APPLICATION NO.9831 OF 2017
IN
SECOND APPEAL NO.498 OF 2017**

M/s. Anand Constructions,
a registered partnership firm,
Through it's partner
Amit Rajendra Anand & anr ..APPLICANTS

VERSUS

State of Maharashtra,
Through Collector,
Jalna & ors ..RESPONDENTS

Mr S.S. Wagh, Advocate for applicants;
Mrs Vaishali Patil-Jadhav, A.G.P. for respondents

CORAM : N.W. SAMBRE, J.

DATE : 26th JULY, 2017

ORAL ORDER :

In the evidence of respondent No.2
Tahsildar, it has come on record that amount of
Rs.91,00,000/- was deducted from the bills payable
to the appellants by the State authorities for
construction carried out by them towards royalty.

2. Apart from above, a categorical statement
is made that during pendency of the suit, so also

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appeal, there was interim protection operating against the respondents, in the form of injunction.

3. Upon perusal of the notice dated 29th September, 2011 and order dated 15th February, 2012, there is enough scope *prima facie* to infer that respondent No.2 acted in high handedness manner.

4. In view thereof, there shall be injunction in terms of prayer clause (C).

5. The operation of stone crusher by the appellants will be assessed to the payment of royalty under the rules, which order of assessment shall be upon approval of Additional Collector, Jalna.

6. This arrangement shall continue till final disposal of present second appeal.

7. Civil Application stands allowed in above terms.

(N.W. SAMBRE, J.)