

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO. 2288 OF 2017
IN
WRIT PETITION NO. 5823 OF 2017**

Dynacraft Machine Company Limited ...Applicant

Versus

The State of Maharashtra & Ors. ...Respondents

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Mr.S.U.Kamdar, Senior Advocate a/w. Mr. Saket Mone, Mr. Subit Chakrabarti i/b. Vidhii Partners for the Applicant.
Mr. Surel Shah a/w. Mr. Aditya Khandeparkar, Mr.R.S. Bidkar i/b. Hariani & Co. for Respondent No.4.

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**CORAM: MRS.MRIDULA BHATKAR, J.
DATED: OCTOBER 10, 2017**

P.C. :

1. Upon urgent mentioning, taken on Production Board.
2. By order dated 09.05.2017 this Court has given direction to the parties to maintain status quo.
3. In this Writ Petition, there is a dispute in respect of the land and the order dated 28.04.2017 passed by the Revenue Minister, State of Maharashtra is challenged. By this Civil Application, the applicant seeks permission to remove the Toshiba make Elevator and its accessories, which are lying on the disputed land.

4. Learned Senior Counsel for the applicant has submitted that some portion of that elevator is lying on his part and partly is lying on the disputed land.

5. Learned counsel for respondent no. 4 has submitted that by this Civil Application, the applicant/petitioner trying to enter on the land and also trying to take possession of the land.

6. None of the parties, except the applicant/petitioner claims the ownership of that material. The material is not an issue in the Writ Petition.

7. In view of the above submissions, Civil Application is allowed in terms of prayer clause (a).

8. Parties to maintain status quo hereafter.

9. Entry on the land for the purpose of removal of the goods is not amounting to any kind of possession in respect of the suit land. For the purpose of removal, learned Senior Counsel for the applicant seeks time, as the goods are very bulky and heavy.

10. In view thereof, time is granted till 31.10.2017 for the purpose of removal of the goods.

11. Civil Application is disposed of accordingly.

(MRIDULA BHATKAR, J.)