

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

WRIT PETITION NO. 3934 OF 2018

M/s Beauforts Workshop Private Ltd.
Through its Authorized Signatory
Bhagchand Sukhlal Maher .. Petitioner

Versus

The Maharashtra Industrial Development
Corporation Aurangabad and others .. Respondents

Shri Hemant Surve, Advocate for the Petitioner.
Shri S. S. Dande, Advocate for the Respondent No. 1.

**CORAM : S. V. GANGAPURWALA, J.
DATE : 21TH SEPTEMBER, 2018.**

FINAL ORDER :

. The petitioner has filed suit for declaration and injunction along with an application for temporary injunction. The Trial Court has rejected application for temporary injunction. The petitioner/plaintiff filed appeal before the District Court against the order rejecting the application for temporary injunction. The District Court dismissed the appeal. Aggrieved thereby present petition.

2. Mr. Surve, the learned advocate for the petitioner submits that, at the time when Trial Court rejected temporary injunction

application and District Court dismissed the appeal, the panchanama dated 06.04.2018 was not in existence and the order was passed based on panchanama dated 31.05.2017. The panchanama dated 31.05.2017 nowhere states that the possession is taken. On wrong premise orders are passed by the Courts. According to the learned counsel, the panchanama itself states that, there are watchman quarters/houses and the same is in occupation of the persons therein. In view of that, possession could not have been taken by respondents.

3. Mr. Dande, the learned advocate for the respondent No. 1 supports the order and submits that, multifarious proceedings are filed by the plaintiff. Writ petitions were also filed, which came to be withdrawn. The Courts have considered all aspects of the matter. The possession has been taken over by respondents.

4. I have considered the submissions canvassed by the learned counsel for respective parties.

5. The panchanama dated 06.04.2018 clearly states that, the possession has been taken by the M. I. D. C. In view of that, the petitioner is not entitled for the injunction as prayed for. Considering the concurrent findings and the panchanama, I am not inclined to exercise my writ jurisdiction. The writ petition as such is dismissed. No costs.

6. Considering the claim, the Trial Court shall expedite the hearing of the suit. The Trial Court may endeavour to decide the suit expeditiously and preferably within a period of nine (09) months from today.

[S. V. GANGAPURWALA, J.]

bsb / Sept. 18

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