

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

908 WRIT PETITION NO. 7212 OF 2018

CHINTAMAN EKNATHRAO SHINDE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr. Shinde Sharad S.
AGP for Respondent Nos. 1 and 2 : Mr. S. W. Munde

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CORAM : V. K. JADHAV, J.
DATED : 20th JULY, 2018

PER COURT:-

1. Heard.
2. I find no substance in the Writ Petition. The petitioner/plaintiff has instituted the suit bearing R.C.S. No. 312 of 2015 for setting aside the order of Tahsildar, Kaij dated 03.08.2015 and for a decree of perpetual injunction against the defendants along-with an application for temporary injunction. It is the case of the petitioner/plaintiff that the Circle Inspector has served one illegal notice on the petitioner which is based on the order passed by the Tahsildar, Kaij. It is pertinent that the said order has already been challenged by the petitioner/plaintiff by

filing and appeal and the Deputy Collector, Kaij has dismissed the said appeal by order dated 30.11.2016. The dispute pertains to the way which is in existence for more than 15 years. The learned Judge of the trial court has also observed in the impugned order that the suit itself is not maintainable. In view of the same, since the Tahsildar's order has been confirmed by the Deputy Collector, Kaij, there is no question of directing the parties to maintain status quo which seems to be the alternate prayer made by the petitioner/plaintiff. I find no fault in the impugned order. The Writ Petition is hereby dismissed. No costs.

(V. K. JADHAV, J.)

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