

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

WRIT PETITION NO. 12439 OF 2018

SHAMSHULHAQ ABDUL GAFUR MOJAWALA
VERSUS
JAVED RASHID PATHAN MOULANA AND OTHERS

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Advocate for Petitioner : Mr. Shaikh Kayyum Najir

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CORAM : N.M. JAMDAR, J.

Dated : 21 November 2018

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ORAL ORDER :-

Heard learned counsel for the petitioner. The petitioner/plaintiff sought for temporary injunction. Injunction is rejected by both the learned Civil Judge and the learned District Judge. Both the Courts have observed that, prima facie, land belongs to the State Government and agreement on which the petitioner is relying on, is not registered. Both the Courts have also considered that the petitioner is trying to raise construction on the Government land and has found that in the circumstances the injunction as sought for cannot be granted. It appears from the record prima facie that petitioner is occupying the government land by seeking injunction and trying to raise construction thereon. Both the Courts below have

therefore rightly refused to grant injunction. In the circumstances, there is no perversity in the exercise of discretion. Writ petition is rejected. The observations made in both the impugned orders and the present order are prima facie.

(N.M. JAMDAR, J.)

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aaa/-