

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

**WRIT PETITION NO.14218 OF 2017**

Kacharu Babasaheb Shaikh (Dagadfode) ...Petitioner

Versus

Deputy Conservator of Forest Solapur  
and Ors. ...Respondents

.....

Mrs. Anjali N. Helekar with Ms Anu C. Kaladharan and Mr. Kanhaiya S. Yadav for the Petitioner.

Mrs. R.M. Shinde, AGP for the Respondent -State.

**CORAM : RANJIT MORE AND  
SMT. ANUJA PRABHUDESSAI, JJ.**

**DATED: 21<sup>st</sup> JUNE, 2018**

**P.C.:-**

By this petition the Petitioner has sought the following relief :-

“a. That this Honourable Court be pleased to issue a writ of mandamus and /or any other order or direction in the nature of mandamus directing Respondents to record the name of the petitioner to 'Mere Mehaboob Subhani' Saw Mill as one of the co-owners in the license of the said Saw Mill.”

2. The Petitioner has sought the above relief on the basis of the judgment and order dated 30<sup>th</sup> November, 2011 passed by the District Judge-3, Solapur in Regular civil Appeal No.488 of 2002, whereby it is held that the Petitioner has 2/11<sup>th</sup> share in respect of the

said saw mill. It is not in dispute that the Respondent No.5 has challenged the said judgment and order by filing Second Appeal No.610 of 2012, which is already admitted. The records also reveal that in Civil Application No.1183 of 2012 filed in the said appeal, the learned Single Judge of this Court has passed following order :-

“3. In view thereof, civil application is disposed of in the following terms:

- a. Let the partition proceedings including carrying out measurements, preparation of partition table/list go on. However, actual physical possessions shall not be handed over.
- b. Costs in cause.”

3. Thus, issue regarding the ownership as well as possession in respect of the said premises of the Petitioner and the Respondent Nos.5 and 6 is pending for adjudication in this Court in Second Appeal No.610 of 2012.

4. In the light of above, the relief sought in this petition is prematured. The petition is devoid of merits, same is accordingly dismissed.

**(SMT. ANUJA PRABHUDESSAI, J.)**

**(RANJIT MORE, J.)**