

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO. 9185 OF 2019

Prashant s/o Bhargavram Bhopi

Petitioner

Versus

Bhavanidas s/o Renukadas Bhopi
& others

Respondents

Mr. A.P. Bhandari, advocate holding for Mr. N.S Tekale, advocate for the petitioner.

Mr. N.T. Bhagat, AGP for respondents no. 38 to 43.

Mr. V.J. Dixit, Senior Counsel instructed by Mr. L.V. Sangit, advocate for respondents no. 19 to 26, 28 to 33 and 36.

Mr. P.S Dighe, advocate for respondents no. 12 and 13.

CORAM : RAVINDRA V. GHUGE, J.

DATE : 11th September, 2019

PER COURT:

1. The petitioner has put forth the following prayers under paragraph no. 17 in the writ petition :

A) The present Writ Petition may kindly be allowed.

B) By issuing writ of Certiorari or any other appropriate writ, order or direction in the like nature, this Hon'ble High court may be pleased to quash and set aside the order dated 12.07.2019 passed by Ld. Extra Joint District Judge, Nanded below Exh-2 and Exh-121 in Misc. RJE No. 170/2015.

C) By issuing writ of Certiorari or any other appropriate writ, order or direction in the like nature, this Hon'ble High court may be pleased to allow the application for stay (Stay Petition) Exh-2 in Misc. RJE No. 170/2015.

OR IN ALTERNATIVE

D) By issuing writ of Certiorari or any other appropriate writ, order or direction in the like nature, this Hon'ble High court may be pleased to allow the application for Status quo Exh-121 in Misc. RJE No. 170/2015.

E) Pending hearing and final disposal of the present writ petition, the Hon'ble court may be pleased to direct the respondents to maintain status quo in respect of inam lands and board of trustees of the trust.

F) Any other just and equitable relief may kindly be granted in favour of the petitioner.

2. It is pointed out by the parties that insofar as the injunction with regard to the property is concerned, the trust has preferred Writ Petition no. 1479/2019 before this Court at the Nagpur

Bench. On 08.04.2019, the petition was heard and notice for final hearing and disposal was made returnable on 10.06.2019. Ad-interim relief was granted in favour of the trust in the nature of a direction to the present petitioner that he shall not alienate the property in his possession or create third party rights.

3. By the impugned order dated 12.07.2019, the learned Extra Joint District Judge, Nanded has declined to grant protection to the present petitioner insofar as dispossession is concerned. If this order is considered in the backdrop of the order dated 08.04.2019 passed at the Nagpur Bench, the ends of justice would be met by directing the authority below to decide the pending proceedings within a particular time frame.

4. The learned Advocate for the petitioner and the learned Senior Counsel appearing on behalf of the trust submit that as the proceedings pending before the learned District Judge require oral submissions, the said proceedings can be decided expeditiously.

5. In view of the above, this petition is disposed off. MARJE No. 162/2014, MARJE No. 164/2014 and MARJE No. 170/15 alongwith pending applications shall be decided by the learned District Judge

on or before 21.11.2019. All the litigating parties would complete their oral submissions on or before 11.10.2019. They are at liberty to tender written notes of arguments alongwith list of citations.

6. Needless to state that, subject to further orders being passed at the Nagpur Bench in Writ Petition No. 1479/2019, the petitioner shall be covered by the ad-interim order passed on 08.04.2019 and he shall not create any encumbrances on the said property in addition to the directions issued in the order dated 08.04.2019.

RAVINDRA V. GHUGE
JUDGE

dyb