

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

WRIT PETITION NO. 12486 OF 2018

Venkat Laxmanrao Shivpure and others .. Petitioners

Versus

The State of Maharashtra and others .. Respondents

Shri. N. G. Kale, Advocate for Petitioners (Absent).

Shri. S. K. Tambe, A.G.P. for Respondent/State.

CORAM : S.V. GANGAPURWALA, J.

DATED : 04th January, 2019

PER COURT:

. Though the matter is called out twice, none appears for petitioners. The application filed by petitioners for temporary injunction is rejected. The petitioners filed an appeal before the District Court. The appeal filed before the District Court is also dismissed on 15.06.2017. Both the courts have concurrently negated the prima facie case of petitioners. The suit is also of the year 2014. The courts have relied upon the mutation entry No. 407. No villagers has approached the court by filing any affidavit.

The order of the Deputy Collector (Rehabilitation), Latur dated 03.02.2011 is stating that since 1954 on the Government gayran and private lands entire village is shifted.

2. The court would be loath to exercise its writ jurisdiction under article 226 and 227 of the Constitution of India against the discretionary order that too concurrent one.

3. Naturally, the Trial Court would decide the suit on its own merits, based on the evidence placed before it and would not be guided by the prima facie observations made by the Trial Court in order below Exhibit 05 and by the District Court in Miscellaneous Civil Appeal. The Trial court shall endeavor to decide the suit expeditiously. The writ petition is disposed of. No costs.

[S. V. GANGAPURWALA, J.]