

Vidya Amin.

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

CRIMINAL WRIT PETITION NO. 1971 OF 2019

Shapur Boman Irani & Anr.	...	Petitioners
VS.		
The Executive Magistrate, Mahableshtar & Ors.	...	Respondents

Mr. Sanjeev Kadam i/b. Siddharth R. Karpe, Advocate for the petitioners.
Mr. A.R. Patil, APP for the respondent/State.

**CORAM: Mrs.MRIDULA BHATKAR, J.
DATED: 10th April, 2019**

P.C. :

Upon urgent mentioning, taken on production board.

2. Rule. Rule made returnable forthwith. By consent, the Writ Petition is heard finally and decided at the stage of admission.

3. In this Writ Petition, the petitioners have challenged the order-cum-notice dated 7th April, 2019 passed by the Tahsildar alias Executive Magistrate, Mahableshtar sent under section 145 and 146 of Cr. P.C.

4. The learned counsel for the petitioners points out the notice dated 7th April, 2019 given by the Tahsildar alias Executive

Magistrate, Mahableshwar directing the respondent to attend the Court at Mahableshwar on 8th April, 2019. The address of the respondents, i.e., present petitioners is mentioned at Colaba, Mumbai. The learned counsel submitted that however, the petitioners appeared before the Tahsildar alias Executive Magistrate, Mahableshwar. The learned counsel submitted that the petitioners appeared before the Executive Magistrate on 8th April, 2019 and requested for time and also pointed out that the immovable property, i.e., final plot no. 545/5 at Mauje Taighat, Panchgani is a property under Civil Litigation, bearing Regular Civil Suti No. 79 of 2016 wherein the order Exhibit 5 is passed on 9th June, 2017 by learned Civil Judge Junior Division, Mahableshwar, and having status quo in favour of the petitioners, despite this submission, the Executive Magistrate has fixed the matter for orders today, i.e., on 10th April, 2019.

5. Rule is made absolute in terms of prayer clause (b).
6. The Tahsildar is directed to take into account the order passed by the learned Civil Judge Junior Division, hear the parties on this count and thereafter pass the order. The order, if any,

passed against the petitioners, shall not take into effect for a period of 45 days.

7. Writ Petition is disposed of.
8. Parties to act upon the authenticated copy of this order.

(MRIDULA BHATKAR, J.)