

drp

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.5899 OF 2020

Gram Sansad Karyalaya, Golegaon and Others PETITIONERS

VERSUS

Gajanan Trimbak Panhale and Others RESPONDENTS

.....
Mr. Hemant Surve, Advocate for the petitioners
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[CORAM : SUNIL P. DESHMUKH, J.]

DATE : 28th AUGUST, 2020

ORDER :

1. Heard learned advocate for the petitioner.
2. Petition has been preferred against concurrent decisions, one by trial court and the other in miscellaneous appeal by the *Ad Hoc* District Judge-2, Aurangabad.
3. It appears to be the case of the defendant *gram panchayat* in the pending suit that suit land had been previously owned by Yeduba Zond and government had acquired about 20 *Are* land for extension of *gaathan*. As such, the suit land is in possession of *gram panchayat* being used for weekly *bazaar* and challenge to acquisition proceedings at the instance of said Yeduba Zond

had failed. However, said Yeduba Zond purportedly sold land to Baban Zond and Sheshrao Raut. Said sale had been challenged by *gram panchayat* and suit had been decreed. In spite of the same, suit land is being sold by said vendees.

4. Whereas, contention on behalf of the plaintiffs appears to be that the defendant *gram panchayat* is having concern with only 20 *Are* land and it has no concern with the lands being dealt with by the plaintiffs.

5. It appears that both the courts have taken into account contentions on either side and have considered that the plaintiffs have been able to make out *prima facie* case and balance of convenience lies in their favour and that the plaintiffs may suffer a loss, difficult to be contained.

6. Both the courts have concurrently come to the conclusion in their discretion and have found that the plaintiffs have been able to make out a case for interim relief in their favour, it does not appear that this court would indulge into request under the writ petition to disrupt at this stage such concurrent findings rendered by the courts almost three years down after the order.

7. Writ petition, therefore, is not entertained and is dismissed with no order as to costs. However, it would be expedient that

the trial court proceeds with the pending suit expeditiously and dispose it of as early as possible. All points are open for the parties and this order would not be impediment in the same.

[SUNIL P. DESHMUKH]
JUDGE

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