

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CIVIL APPLICATION (CAW) NO.1210 OF 2021
IN
WRIT PETITION NO.3272 OF 2020

Deepak Tarachand Jain

...Versus...

Kusumtai Wd/o Sahadeo Jadhav and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders

Shri A. J. Thakkar, Advocate for applicant.
Shri D. S. Wankhade, Advocate for non-applicant nos.1 to 7
Shri S. M. Ukey, AGP for non-applicant nos.9 and 12.

CORAM : AVINASH G. GHAROTE, J.
DATE : 31/08/2021

Heard Mr. Thakkar, learned counsel appearing
for the applicant, Mr. Wankhade, learned counsel appearing
for non-applicant nos.1 to 7 and Mr. Ukey, learned AGP
appearing for non-applicant nos.9 to 12.

2. By this application, interim relief is sought to
stay the effect and operation of the communication dated
20.7.2021, issued by the non-applicant no.10 - Sub
Divisional Officer, Balapur and the communication dated

3.8.2021, issued by the non-applicant no.9 – Tahsildar, Patur. It is an admitted position, that the petitioner is in physical possession of the field in question. The effect and operation of the order impugned in the present petition dated 27.3.2020, passed by the non-applicant no.12 – Additional Commissioner, has been stayed by this Court by an order dated 30.6.2020. That apart, in L.P.A. No.164 of 2013, the learned Division Bench of this Court by an order dated 2.8.2013 has set aside the order of the Committee granting validity in favour of the non-applicant no.4 and has remanded back the same to the Committee for deciding afresh which is still pending before the Committee.

3. In view of the above position, it was not permissible for the non-applicant nos.9 – Tahsildar and 10 – Sub-Divisional Officer to have issued the communications dated 20.7.2021 and 3.8.2021. The non-applicant nos.9 – Tahsildar and 10 – Sub-Divisional Officer are therefore, restrained from taking any action based upon the above said communications during the pendency of the present petition,

so as to disturb the possession of the applicant over the land in question.

4. The Civil Application accordingly disposed of in above terms.

JUDGE

Sarkate