

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMIAL WRIT PETITION NO.505 OF 2022

Nilesh s/o Ranjit Bhoite
Age 42 years, Occu. Business,
R/o Ahilya Niwas, Bhoite Nagar,
Jalgaon, Tq. and Dist. Jalgaon
Honorary Secretary of the
Jalgaon Zilla Maratha Vidya Prasarak
Sahkari Samaj Ltd., Jalgaon ... PETITIONER

VERSUS

1. Mahesh s/o Ananda Patil
Age 51 years, Occu. Agri.,
R/o Kuwarkheda, Tq. & Dist. Jalgaon
2. Hemantkumar Amrutrao Salunke,
Age 61 years, Occu. Pensioner,
R/o Plot No.35, Gat No.28,
Muktai Nagar, Near S.M.I.T.,
Jalgaon, Tq. & Dist. Jalgaon
3. Manohar s/o Baburao Patil,
Age 74 years, Occu. Business,
R/o 1/2/1, Sane Guruji Colony,
Jillha Peth, Jalgaon,
Tq. & Dist. Jalgaon
4. Bharat s/o Sitaram Patil,
Age 67 years, Occu. Advocate,
R/o Dixitwadi, Opp. Civil Hospital,
Jalgaon, Tq. & Dist. Jalgaon
5. Vijay s/o Bhaskarrao Patil,
Age 53 years, Occu. Legal
Practitioner and Agriculture,
R/o 71, Dixitwadi, Opp. Civil Hospital,
Jalgaon, Tq. & Dist. Jalgaon
6. Dr. Bhalerao Bhaurao Sathe,
Age major, Occu. Medical Practitioner,

R/o Chincholi, Tq. Yawal,
Dist. Jalgaon

7. Bharat s/o Bhaurao Deshmukh,
Age major, occu. Advocate,
R/o Plot No.10, Vijay Colony,
Khwaja Miya Road, Jalgaon,
Tq. & Dist. Jalgaon
8. Ananda s/o Shankar Kapse,
Age 63 years, Occu. Agril,
R/o 11/2, Vijay Colony,
Near Ganesh Colony, Jalgaon,
Tq. & Dist. Jalgaon
9. Prashant s/o Dattatraya Pawar,
Age major, Occu. Agri. & Business,
R/o Shiv Colony, Balad Road,
Bhadgaon, Tq. Bhadgaon,
Dist. Jalgaon
10. Dinkar s/o Dayaram Patil,
Age major, Occu. Business,
R/o Dinnanathwadi, Ring Road,
Jalgaon, Dist. Jalgaon
11. Dr. Satish s/o Chintaman Deokar,
Age major, Occu. Business,
R/o Brook Bond Colony,
Ring Road, Jalgaon, Dist. Jalgaon
12. Harishchandra s/o Bhanudas Patil,
Age major, Occu. Business,
R/o Shevgaon, Tq. Parola,
Dist. Jalgaon
13. Rudrendra s/o Prabahkar Suryawanshi,
Age major, Occu. Business,
R/o 61, Housing Society, Shahu Nagar,
Jalgaon, Dist. Jalgaon
14. Ajay s/o Krishna Kale,
Age major, Occu. Business,
R/o Shiovaji Nagar, Near Datta Temple,
Jalgaon, Dist. Jalgaon

15. Sau. Pushplata w/o Sahebrao Patil,
Age major, occu. Household,
R/o Rajbhavan, Opposite Tahsil Office,
Amalner, Tq. Amalner, Dist. Jalgaon
16. Sau. Sonal w/o Sanjay Pawar,
Age major, Occu. Household,
R/o Chandsar, Tq. Dharangaon,
Dist. Jalgaon
17. The State of Maharashtra
18. The Taluka Executive Magistrate
and Tahsildar, Tahsil Office,
Jalgaon, Tq. & Dist. Jalgaon
19. The Police Inspector,
Zilla Peth Police Station,
Jalgaon
20. The District Superintendent of
Police, Jalgaon, Tq. & Dist. Jalgaon

(The copy of the respondent Nos.17
to 20 is to be served on Public
Prosecutor, High Court of Bombay,
Bench at Aurangabad)
21. Jaywant s/o Baburao Bhoite,
Age major, Occu. Business,
R/o Jalgaon, Tq. & Dist. Jalgaon
22. Virendra s/o Rameshchandra Bhoite,
Age 53 years, Occu. Business,
R/o Bhoite Nagar, Jalgaon,
Tq. & Dist. Jalgaon
23. Smt. Alka w/o Santosh Pawar,
Age major, Occu. Household
R/o Housing Society, Jalgaon,
Dist. Jalgaon
24. Sau. Sushma w/o Gulabrao Ingale,
Age 65 years, Occu. Household

R/o Housing Society, Jalgaon,
Tq. & Dist. Jalgaon

25. Sau. Vijaya w/o Dharma Yadav,
Age 48 years, Occu. Household,
R/o R.K. Nagar, Amalner,
Tq. Amalner, Dist. Jalgaon
26. Jayant s/o Fakirrao Deshmukh,
Age 61 years, Occu. Agri.,
R/o Hatthi Building,
Deshmukh Galli, Chalisgaon,
Tq. Chalisgaon, Dist. Jalgaon
27. Jaywant Pandurang Yeole,
Age 81 years, Occu. Agri.,
R/o Shivaji Nagar, Yawal,
Tq. Yawal, Dist. Jalgaon
28. Parmanand s/o Dangal Sathe,
Age 59 years, Occu. Business,
R/o At Post Chincholi,
Tq. Yawal, Dist. Jalgaon
29. Bhagwnatrao Jagatrao Deshmukh,
Age 91 years, Occu. Agri.
R/o At Post Varangaon,
Tq. Bhusawal, Dist. Jalgaon
30. Gokul s/o Pitambar Patil,
Age 69 years, Occu. Agri.,
R/o at Bhadli, Post Kathora,
Tq. & Dist. Jalgaon
31. Shankarrao s/o Manikrao Shinde,
Age major, Occu. Business,
R/o At Post Tarsod,
Tq. & Dist. Jalgaon
32. Subhash s/o Ramchandra Patil,
Age 50 years, Occu. Agri.,
R/o At Post Pimpri (Bk.),
Tq. Erandol, Dist. Jalgaon
33. Sunil s/o Bhausahab Bhoite,

Age 52 years, Occu. Business,
R/o Sambhaji Peth, Yawal,
Tq. Yawal, Dist. Jalgaon

34. Pundlik s/o Yadav Patil,
Age 58 years, Occu. Agri.,
R/o At Post Kargadwadi,
Tq. Amalner, Dist. Jalgaon
35. Kishor s/o Jayantrao Kale,
Age 66 years, Occu. Agri.,
R/o 3, Hanuman Colony,
Jalgaon, Tq. & Dist. Jalgaon
36. Balu s/o Gulabrao Shirke,
Age 61 years, Occu. Agri.,
R/o Borawal Gate, Yawal,
Tq. Yawal, Dist. Jalgaon
37. Shivaji s/o Trimbakrao Ghule,
Age major, Occu. Business,
R/o Kalamsare, Tq. Pachora,
Dist. Jalgaon
38. Sheela w/o Madhukar Marathe,
Age major, Occu. Household,
R/o Ravanje (Bk.), Tq. Erandol,
Dist. Jalgaon
39. Mahendra s/o Vasnatrao Bhoite,
Age 51 year,s Occu. Service,
R/o Bhoite Nagar/ Kolhe Nagar,
Jalgaon, Tq. & Dist. Jalgaon

... RESPONDENTS

.....

Shri V.D. Hon, Senior Counsel with
Shri A.D. Shinde, Advocate for petitioner
Shri A.B. Kale, Advocate for respondents No.1 to 9
Shri N.E. Deshmukh & Shri R.H. Mewara,
Advocates for respondents No.10 to 16
Shri S.P. Sonpawale, A.P.P. for respondents No.17 to 20
Shri N.D. Sonawane, Advocate for respondents No.23 to 31
Shri P.R. Katneshwarkar, Advocate for respondents No.24 to 30,
32 to 37 and 39

.....

CORAM : R. G. AVACHAT, J.

Date of reserving judgment : 20th April, 2022

Date of pronouncing judgment : 27th April, 2022

J U D G M E N T :

Rule. Rule made returnable forthwith and taken up for final hearing with the consent of learned counsel appearing for the respective parties.

2. The challenge in this writ petition under Article 227 of the Constitution of India is to a judgment and order passed by Additional Sessions Judge, Jalgaon on 31/3/2002 in Criminal Revision Application No.2/2019. Vide impugned judgment and order, the Criminal Revision Application (for short C.R.A.) was allowed, setting aside the judgment and order dated 7/12/2018 passed by Taluka Executive Magistrate, Jalgaon under Section 145 of the Code of Criminal Procedure (Cr.P.C. for short), holding the petitioner herein and respondents No.23 to 39 to be in control and management of "The Jalgaon Jilha Vidya Prasarak Maratha Samaj Ltd." (for short the educational institution).

3. Facts giving rise to the present petition are as follows :-

The educational institution has its headquarters at Jalgaon. It runs number of schools and colleges at and around the district of Jalgaon. The educational institution has been registered both, under the Maharashtra Co-operative Societies Act and the Maharashtra Public Trusts Act (M.P.T. Act for short). The petitioner and respondents No.23 to 39 claim to be honorary Secretary and trustees respectively of the educational institution registered under the M.P.T. Act. The Jilha Peth Police Station, Jalgaon, on 27/2/2018, submitted the Executive Magistrate a proposal under Section 145 of the Cr.P.C. The Executive Magistrate, in turn, issued notice of the said proceedings, and on hearing the parties concerned, passed the order dated 7/12/2018, holding the petitioner to be in possession of the office of the educational institution. The order passed by the Executive Magistrate reads thus :-

"प्रकरणात सामील सर्व आदेश, पुरावे व वस्तुस्थिती लक्षात घेता सदर संस्थेच्या या कार्यालयावर पार्टी नं.१ यांचा ताबा दिसून येत आहे."

The said order was taken exception to in (Criminal Revision Application). The learned Additional Sessions Judge, vide its judgment and order dated 26/3/2021, remanded the matter back to the Executive Magistrate. The order passed by the learned Additional Sessions Judge was challenged in Criminal Writ Petition, being W.P. No.504/2021.

4. This Court, vide order dated 17/11/2021, set aside the order passed by the learned Additional Sessions Judge in C.R.A. No.7/2019. The learned Additional Sessions Judge was directed to decide the C.R.A. afresh after hearing all the parties concerned including the petitioners therein who were initially not parties to the C.R.A. before the Additional Sessions Judge.

5. The learned Additional Sessions Judge, by the impugned judgment and order, set aside the Executive Magistrate's order dated 7/12/2018. The learned Additional Sessions Judge held the proceedings conducted by the Executive Magistrate to have been not in accordance with law since a preliminary order necessarily required to be passed under Section 145(1) of the Cr.P.C. had not been passed.

6. Heard. Shri V.D. Hon, learned Senior Counsel representing the petitioner herein would submit that, it was not mandatory to pass a preliminary order under Section 145(1) of the Cr.P.C. According to him, the parties to the proceedings contested the matter on merits and, therefore, non-passing of preliminary order lost its efficacy. According to him, reliance was placed on a Full Bench judgment of the Madras High Court in case of **A. Dhaveethu Vs. District Collector, Sivagangai District Sivagangai and ors. [2017 Cri.L.J. 329]**. The learned Additional Sessions Judge ought to have relied on the said judgment for deciding the C.R.A., particularly when the Special Leave Petition preferred against the order passed by the Full Bench of the Madras High Court was not entertained by the Apex Court.

As regards factual matrix, learned Senior Counsel would submit that, the petitioner and respondents No.23 to 39 have been in management of the educational institution since before 1998. Their names have been recorded in Schedule I maintained with the office of the Assistant Charity Commissioner (A.C.C. for short). Changes occurred in the management of the educational institution had been reported

to the office of the A.C.C. time to time. The learned A.C.C. has accepted the change report for the period 1998-2002 in March 2002 itself. The next four change reports are pending approval. The petitioner and those respondents have been elected as a trustees for the period 2018-2022. Their tenure is yet to over. Since the contesting respondents took law in their hands to take control of the management, the concerned police station made a report in that regard. The proceedings under Section 41-E of the M.P.T. Act have also been initiated before the Deputy Charity Commissioner (D.C.C. for short). In the said proceedings, ad-interim order of injunction has been passed against the contesting respondents. The learned Senior Counsel would further submit that, although the C.R.A. has been allowed, the contesting respondents are likely to come into possession/ control of the educational institution since they had prayed for such a relief in the C.R.A. The substantive matter is pending before the D.C.C. The petitioner and the concerned respondents have been managing the affairs of the educational institution. The State Government, in the Department of Higher Education, recognised the same and has issued necessary directions to the authorities in Education Department. In the given circumstances, the order impugned herein needs to be set

aside, submitted by the learned Senior Counsel.

7. Shri P.R. Katneshwarkar, learned counsel for respondents No.24 to 30, 32 to 37 and 39 took this Court to certain observations made by the Executive Magistrate in his order dated 7/12/2018 to submit that those observations undoubtedly indicate the Magistrate to have had applied his mind to the report submitted by the concerned police station and after having been convinced of the mandate of Section 145(1) of the Cr.P.C., issued notice/s to the parties concerned.

8. Shri A.B. Kale, learned counsel for respondents No.1 to 9 would, on the other hand, submit that, by exerting political pressure on the Executive Magistrate, the proceedings under Section 145 of the Cr.P.C. came to be initiated and decided as well. According to him, the learned Executive Magistrate did not pass a preliminary order as is required to be passed under Section 145(1) of the Cr.P.C. He relied on Apex Court judgment in case of **R.H. Bhutani Vs. Mani J. Desai** [1968 AIR (SC) 1444] to submit that the proceedings conducted by the Executive Magistrate were non est. According to him, the learned Additional Sessions Judge has passed a well reasoned order, requiring no interference

therewith. He would further submit that, the very police station had submitted the Executive Magistrate similar report on 27/2/2018. The said report was turned down by the Executive Magistrate with his reasoned order dated 12/6/2018. Within 8 days thereafter, another report was placed before the Executive Magistrate. The same was taken cognizance of. While the earlier report dated 27/2/2018 was turned down, the Executive Magistrate was pleased to observe these respondents to have been in control and management of the educational institution. The Magistrate changed his mind within 8 days, necessarily at the behest of political masters. The learned counsel took this Court through the affidavit-in-reply, wherein a chronology of events has been given to indicate that the educational institution has over 15000 members. Elections of the managing body were held time to time by the Election Officer under the Co-operative societies Act. These respondents were elected for the period for 2015-2020. The State Government had also recognised them to have been in control and management. A number of documents have been placed on record in support of his contention. The material relied on is in the nature of public documents. According to learned counsel, on the basis of illegal order passed by the Executive Magistrate in

proceedings under Section 145 of the Cr.P.C., the petitioner and members of his group unauthorisedly came into possession of the office premises. Since the order passed by the Executive Magistrate has been set aside by the learned Additional Sessions Judge, status quo ante needs to be restored. He, therefore, urged for dismissal of the petition.

9. Considered the submissions advanced. Perused the documents and citations relied on.

Section 145 of the Criminal Procedure Code reads thus :-

145. Procedure where dispute concerning land or water is likely to cause breach of peace .—

(1) Whenever an Executive Magistrate is satisfied from a report of a police officer or upon other information that a dispute likely to cause a breach of the peace exists concerning any land or water or the boundaries thereof, within his local jurisdiction, he shall make an order in writing, stating the grounds of his being so satisfied, and requiring the parties concerned in such dispute to attend his Court in person or by pleader, on a specified date and time, and to put in written statements of their respective claims as respects the fact of actual possession of the subject of dispute.

(2) For the purposes of this section, the expression "land or water" includes buildings, markets, fisheries, crops or other produce of land, and the rents or profits of any such property.

(3) A copy of the order shall be served in the manner provided by this Code for the service of a summons upon such person or persons as the Magistrate may direct, and at least one copy shall be published by being affixed to some conspicuous place at or near the subject of dispute.

(4) The Magistrate shall then, without reference to the merits or the claims of any of the parties to a right to possess the subject of dispute, pursue the statements so put in, hear the parties, receive all such evidence as may be produced by them, take such further evidence, if any, as he thinks necessary, and, if possible, decide whether any and which of the parties was, at the date of the order made by him under sub-section (1), in possession of the subject of dispute:

Provided that if it appears to the Magistrate that any party has been forcibly and wrongfully dispossessed within two months next before the date on which the report of a police officer or other information was received by the Magistrate, or after that date and before the date of his order under sub-section (1), he may treat the party so dispossessed as if that party had been in possession on the date of his order under sub-section (1).

(5) Nothing in this section shall preclude any party so required to attend, or any other person interested, from showing that no such dispute as aforesaid exists or has existed; and in such case the Magistrate shall cancel his said order, and all

further proceedings thereon shall be stayed, but, subject to such cancellation, the order of the Magistrate under sub-section (1) shall be final.

(6) (a) If the Magistrate decides that one of the parties was, or should under the proviso to sub-section (4) be treated as being, in such possession of the said subject, he shall issue an order declaring such party to be entitled to possession thereof until evicted therefrom in due course of law, and forbidding all disturbance of such possession until such eviction; and when he proceeds under the proviso to sub-section (4), may restore to possession the party forcibly and wrongfully dispossessed.

(b) The order made under this sub-section shall be served and published in the manner laid down in sub-section (3).

(7) When any party to any such proceeding dies, the Magistrate may cause the legal representative of the deceased party to be made a party to the proceeding and shall thereupon continue the inquiry, and if any question arises as to who the legal representative of a deceased party for the purposes of such proceeding is, all persons claiming to be representatives of the deceased party shall be made parties thereto.

(8) If the Magistrate is of opinion that any crop or other produce of the property, the subject of dispute in a proceeding under this section pending before him, is subject to speedy and natural decay, he may make an order for the proper custody or sale of such property, and, upon the completion of the inquiry, shall make such order for the disposal of such property, or the sale-proceeds thereof, as he thinks fit.

(9) The Magistrate may, if he thinks fit, at any

stage of the proceedings under this section, on the application of either party, issue a summons to any witness directing him to attend or to produce any document or thing.

(10) Nothing in this section shall be deemed to be in derogation of powers of the Magistrate to proceed under section 107.

10. Section 145(1) mandates the Executive Magistrate to make an order in writing, stating the grounds of his satisfaction that a dispute likely to cause breach of peace exists concerning any land or water. The issue is no longer res-integra. A three Judge Bench of the Hon'ble Supreme Court of India, in case of **R.H. Bhutani Vs. Mani J. Desai** [1968 AIR (SC) 1444], has observed in paragraphs No.8 and 9 as under :-

8. The object of S. 145, no doubt, is to prevent breach of peace and for that end to provide a speedy remedy by bringing the parties before the court and ascertaining who of them was in actual possession and to maintain status quo until their rights are determined a competent court. The section requires that the Magistrate must be satisfied before initiating proceedings that a dispute, regarding an immoveable property exists and that such dispute is likely to cause breach of peace. But once he is satisfied of these two conditions, the section requires him to pass a preliminary order under sub-s. (1) and thereafter to make an enquiry under sub-s. (4) and pass a final order under sub-s. (6). It is not necessary

that at the time of passing the final order the apprehension of breach of peace should continue or -exist. The enquiry under S. 145 is limited to the question as to who was in actual possession on the date of the preliminary order irrespective of the rights of the parties. Under the second proviso, the party who is found to have been forcibly and wrongfully dispossessed within two months next preceding the date of the preliminary order may for the purpose of the enquiry be deemed to have been in possession on the date of that order. The opposite party may of course prove that dispossession took place more than two months next preceding the date of that order and in that case the Magistrate would have to cancel his preliminary order. On the other hand, if he is satisfied that dispossession was both forcible and wrongful and took place within the prescribed period, the party dispossessed would be deemed to be in actual possession on the date of the preliminary order and the Magistrate would then proceed to make his final order directing the dispossessor to restore possession and prohibit him from interfering with that possession until the applicant is evicted in due course of law. This is broadly the scheme of 145.

9. The satisfaction under sub-S. (1) is of the Magistrate. The question whether on the materials before him, he should initiate proceedings or not is, therefore, in his discretion which, no doubt, has to be exercised in accordance with the well recognised rules of law in that behalf. No hard and fast rule can, therefore, be laid down as to the sufficiency of material for his satisfaction. The language of the sub- section is clear and unambiguous that he can arrive at his satisfaction both from the police report or from other information which must

include an application by the party dispossessed. The High Court, in the exercise of its revisional jurisdiction, would not go into the question of sufficiency of material which has satisfied the Magistrate.”

11. The submission made by learned Senior Counsel for the petitioner that in case of action taken on a police report no such preliminary order is required to be passed, is not acceptable. It is true that, the Full Bench of Madras High Court in case of A. Dhaveethu (supra) has observed that though the Executive Magistrate is required to pass a preliminary order under Section 145(1), the absence of the same will not vitiate his final order under Section 145(4) Cr.P.C. and it being mere illegality will not affect his jurisdiction, cannot be termed to be a binding precedent for this Court in view of the judgment of this Court in case of **Vishwanath Kashinath Virkar & ors. Vs. Nitinchand Keshavji Gala & ors.** [1995(2) Mh.L.J. 664].

12. The dismissal of Special Leave Petition preferred against the Full Bench judgment of the Madras High Court in no way amount to the Apex Court to have upheld the reasoning in case of A. Dhaveethu (supra).

13. The observations made by the Executive Magistrate in first 2 – 3 paragraphs of his order dated 7/12/2018 would, in no way, be termed to have had impliedly passed a preliminary order as has been expected to have been passed under Section 145(1) of Cr.P.C.

14. The learned counsel for the contesting respondents has rightly submitted that, the learned Additional Sessions Judge has passed a well reasoned order, requiring no interference therewith. Admittedly, before the Jilha Peth Police Station submitted its report dated 21/6/2018 pursuant to which enquiry under Section 145 of Cr.P.C. has been held holding the petitioner and his group to have been in management and control of the educational institution, the very police station had made similar report on 27/2/2018. The Executive Magistrate, vide his order dated 12/6/2018, had turned down the proposal to initiate action under Section 145 of Cr.P.C. The said order was passed on hearing both the groups who claimed to have been in control and management of the educational institution. The learned Executive Magistrate, while passing the order dated 12/6/2018, observed the contesting respondents herein to have been entrusted with the management of the educational institution.

Neither the petitioner nor any of the members of his group have challenged the Executive Magistrate's order dated 12/6/2018. It is surprising as to what prompted the concerned police station to submit a fresh report within a period of 8 days of turning down its proposal with well reasoned order, to submit a fresh proposal for action under Section 145 of the Cr.P.C.

15. The contesting respondents have filed a detailed affidavit-in-reply along with number of documents. Only with a view not to burden this order with factual matrix in detail, reference thereto is not made. This Court has every reason to observe and find the contesting respondents herein were duly elected to manage the educational institution for the period 2015-2020. This Court has also every reason to observe the petitioner and his group to have come in control and management of the affairs only after the Executive Magistrate held them to have been in possession of the office premises. The then State Government appears to have accorded its sanction to the petitioner's group. The communications in that regard were made first time in the month of January 2018. It appears that, both the rival groups entertained two different political ideologies. Be that as it may. This Court

may not go into rights of the parties so as to ascertain who is entitled to have control and management over the affairs of the educational institution. The order passed by the D.C.C. in proceedings under Section 41-E of the M.P.T. Act was an ex-parte ad-interim order passed post the petitioner and his group came into management pursuant to the order passed by the Executive Magistrate on 7/12/2018. There is documentary evidence to indicate the petitioner had applied the concerned police station to have police protection to enter the premises. It is re-iterated that, the affidavit-in-reply filed by respondents No.1 to 9 along with the documents do indicate that there was Board of Administrators headed by District Deputy Registrar. On his transfer, the District Special Auditor, Class-I became the Chairman of the said Board of Administrators. The educational institution has more than 15000 members. General Body meetings were held. It was decided not to have the Society de-registered under the Maharashtra Co-operative Societies Act. In pending Writ Petitions, the State of Maharashtra in Education Department acknowledged the petitioner and his group to have been in management of the educational institution. The Maharashtra State Co-operative Election Commission held the elections, wherein the group of respondents came into power. A lady –

Sau. Shaila Marathe had filed an affidavit in the proceedings before the learned Additional Sessions Judge, stating therein that the petitioner's group did not hold elections to elect the trustees under the M.P.T. Act.

16. The scope of jurisdiction under Article 227 of the Constitution of India is very limited. This Court cannot go into factual matrix. It is re-iterated that the learned Additional Sessions Judge has passed a well reasoned order on the basis of voluminous evidence on record. This Court has no reason to take a different view. Status quo ante needs to be restored. Thereafter the parties may agitate their respective claims before the authorities concerned having jurisdiction to decide their civil rights.

17. As such, the petition is sans merit. The same, therefore, stands dismissed. Rule discharged.

(R. G. AVACHAT)
JUDGE

After pronouncement of the judgment, learned Senior Counsel appearing for the petitioner prayed to continue

the interim relief for a period of six weeks. The interim relief granted vide order dated 1/4/2022 to continue for next six weeks.

**(R. G. AVACHAT)
JUDGE**

fmp/-