

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

WRIT PETITION NO.4319 OF 2013

PALLAVI SANDEEP JAVAGE (PATIL) AND ANOTHER
VERSUS
THE SUB-DIVISIONAL OFFICER AND OTHERS

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Advocate for Petitioners : Mr. V. Y. Patil
AGP for Respondents/State: Mr. S. N. Kendre
Advocate for Respondent Nos.3 to 7: Mr. V. B. Patil

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CORAM : NITIN B. SURYAWANSHI, J.

DATE : 10th August, 2022

PER COURT :-

1. This petition challenges the order passed by the Tahsildar, Yawal, District Jalgaon, in proceeding No.Wahiwat/SR/06/2011, which is confirmed by the Sub-Divisional Officer, Bhusawal, Dist. Jalgaon.
2. The grievance of the petitioners is that at the time of site inspection panchnama, they were not present and they were not heard. The record indicates that site inspection panchanam was conducted and the statements of acquiring land owners were recorded.
3. Apart from the above, the petitioners have already filed Regular Civil Suit No.82/2012 in the Court of learned Civil Judge,

Junior Division, Yawal, wherein the petitioner has sought permanent injunction that nobody should use their agricultural land for Wahivat. By way of interim relief, the petitioners have claimed injunction not to implement the Tahsildar's order.

4. In view of the fact that the petitioners have already filed a substantive civil suit, this Court, at this stage, is not inclined to interfere in the orders impugned in the present petition.

5. The Civil Court's decision shall be binding on the parties. Taking into consideration the fact that the civil suit is of the year 2012, the learned Civil Judge, Junior Division, Yawal shall conclude the hearing of suit and deliver judgment within a period of six months from the date of receipt of the writ of this order.

6. It is made clear that this Court has not expressed any opinion on merits of the case. Contentions of both parties are kept open. The interim relief granted by this Court shall continue to operate till final decision of the suit.

7. With this direction, writ petition is disposed of.

[NITIN B. SURYAWANSHI, J.]