

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

**975 WRIT PETITION NO.5066 OF 2022
WITH
WP/5069/2022
WITH CA/10634/2022 IN WP/5066/2022
WITH CA/10636/2022 IN WP/5067/2022
WITH CA/10637/2022 IN WP/5069/2022
WITH CA/10689/2022 IN WP/5068/2022
WITH
WP/5067/2022
WITH
WP/5068/2022**

**ASHOK TATYABA KAJALE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA THROUGH PRINCIPAL SECRETARY
REVENUE AND OTHERS**

...
Advocate for Petitioner : Mr.Shinde Abasaheb D.
AGP for Respondent Nos. 1 to 8-State : Mr.K.B.Jadhavar
Advocate for Respondent No. 9 : Mr.Kulkarni Sanket S.
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CORAM : SANDEEP V. MARNE, J.

DATE : 13.10.2022.

PER COURT :

1. By these petitions, the petitioners are challenging orders dated 02.11.2021 and 02.02.2021 passed by the Divisional Commissioner, Nashik. They have assailed the orders of the Divisional Commissioner by filing appeal before the State Government. Mr. Shinde, learned Counsel appearing for the petitioners as well as Mr. Kulkarni, learned Counsel appearing for respondent No. 9 are ad-idem that one appeal out of four has been

heard by the State Government on 10.10.2022. Mr. Kulkarni, would submit that since the issue involved in all four appeals is common, possibly all four appeals might have been heard and orders thereon have been reserved. Be that as it may. Since the appeals filed by the petitioners are in the process of being heard, no purpose would be served by keeping the petitions pending. The only anxiety that Mr. Shinde expresses is that the contesting respondents have allegedly violated the interim order passed by this Court on 05.05.2022 and have allegedly taken over the possession of the property. The petitioners have therefore adopted two remedies. They have filed Civil Applications in the present petitions seeking restoration of the possession. They have also filed Contempt Petitions alleging contempt for violation of order dated 05.02.2022 which are being heard by this Court separately. Mr. Kulkarni on the other hand, would make a statement that his Client have not taken over possession of the land covered by the interim order.

2. The issue whether there is violation of the interim order dated 05.05.2022 would be appropriately decided in the Contempt Petitions filed by the petitioners. Mere disposal of the present petitions would not, in any manner, mean that the contesting respondents would be absolved of the liability, if any, arising out of the alleged violation of the interim orders. Since the appeals filed by

the petitioners are already being heard by the State Government let the final order thereon be passed as expeditiously as possible and preferably within the period of 4 weeks from today. With these directions these Writ Petitions are disposed of.

3. The pending Civil Applications are also disposed of.

(SANDEEP V. MARNE)
JUDGE

mahajansb/