

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

WRIT PETITION NO.9218 OF 2022

**DATTATRAYA KERBA LONKAR AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND
OTHERS**

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Mr. C. K. Shinde, Advocate for petitioners
Mrs. V. N. Patil – Jadhav, AGP for the State

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**CORAM : MANGESH S. PATIL AND
Y. G. KHOBRAGADE, JJ.**

DATE : 01.12.2022

PER COURT :-

Heard.

2. Learned advocate for the petitioners submits that the petitioners have purchased the property from respondent No.5 and the mutation was carried out. However, surreptitiously she has given consent for acquisition and has executed the sale-deed in favour of respondent Nos. 3 and 4. The petitioners are therefore seeking directions to declare the sale-deed executed by respondent No.5 as null and void and to initiate action against the officials who have indulged in getting the petitioners' property acquired by way of private negotiations.

3. We have carefully considered the submissions and perused the papers. The respondent No.5 has already instituted a civil suit in the year 2014 seeking declaration of the sale-deed executed in favour of the petitioners as null and void since it was a money lending transaction and it was not to be acted upon. When, apparently there is a civil dispute between the petitioners and respondent No.5 which is pending before the competent civil Court, it would be premature for this Court to grant any relief in favour of the petitioners based on the sale-deed which is under challenge before the Civil Court.

4. It would always be open for the petitioners to seek the reliefs they intend to have in the present petition, once the Civil Court decides the dispute finally.

5. It is trite that in exercise of writ jurisdiction, it would be difficult for this Court to entertain the disputed questions of facts.

6. We dismiss the writ petition granting liberty to the petitioners to approach this Court after the Civil Court finally decides the suit.

[Y. G. KHOBRADE, J.]

[MANGESH S. PATIL, J.]

SMS