

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.5442 OF 2019

Sangharsh Khoki Malak Sangh, Sangli and Ors. ..Petitioners

Versus

Sangli, Miraj and Kupwad

Municipal Corporation and Ors.

..Respondents

Mr. R. D. Suryawanshi i/by Suresh M. Sabrad, for the Petitioners.

Mr. Shivaji A. Masal, for the Respondents.

CORAM : NITIN W. SAMBRE, J.

DATE : 15th MARCH, 2022

PC.

1. Impugned in the petition is an order passed below Exh.29 by the learned District Judge-3, Sangli on 8th March, 2018, whereby the prayer of the petitioners for mandatory injunction against the respondents/Municipal Corporation to restore the tin shed to its original place is rejected.

2. The suit being RCS No.514 of 2013 was preferred by the petitioners seeking relief of injunction restraining/removing the petitioners stall in question unless they are rehabilitated.

3. I am informed that suit was already dismissed on 16th January, 2016, against which appeal is pending, in which the order impugned is passed.

4. The fact remains that as there was no temporary injunction in operation during pendency of the suit, the structure was already demolished. The petitioners by way of temporary injunction are seeking mandatory order of restoration of tin structure. Such prayer, in my opinion, cannot be granted, as suit of the petitioners was dismissed after adjudicating their rights on merits. The Court below has given sufficient reasons while rejecting application Exh.29. That being so, no case for interference in the extraordinary jurisdiction of this Court is made out.

5. The petition as such stands rejected.

[NITIN W. SAMBRE, J.]