

Anand

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

WRIT PETITION 6071 OF 2010

Abdul Hafiz Shaikh & ors. .Petitioners

Vs.

The Deputy Engineer, PWD, .Respondents
Ulhasnagar & ors.

Mr. R. S. Apte, Senior Advocate with Mr. A.A.Garge, for the
Petitioners

Mr. P. P. Pujari, AGP, for the Respondents – State

CORAM : ROHIT B. DEO, J.

DATE : 28.07.2022

P. C.

. The question involved is whether the Petitioners-
Plaintiffs are entitled to injunctive relief.

2. While the learned trial Judge has declined the
injunctive relief on the premise that as encroachers, the
action initiated by the authorities under the provisions of
the Maharashtra Land Revenue Code, 1966 (for short
'MLRC') cannot be interdicted, and the Appellate Court has
agreed, what I note is that since last 12 years the interim
order in favour of the Petitioners-Plaintiffs is operating.

3. In this view of the matter, I am not inclined to decide the Petition on merits.

4. I consider it more appropriate to continue the interim order till the disposal of the R.C.S. 46 of 2007.

5. The parties shall appear before the trial Court on 24.08.2022 without expecting any formal notice and if necessary by taking the case on board.

6. The learned trial Judge shall decide the suit as expeditiously as possible and in any event, within nine months from the date of appearance of the parties.

7. The Petition is disposed of.

(ROHIT B. DEO, J.)