

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 5076 OF 2018

Vikas S/o Baddu Ade and others

-- Petitioner/s

Vs.

State of Maharashtra and others

-- Respondent/s

Mr. A. A. Zade, Advocate h/f. Mr. V.N.Patre for Petitioners.

Mr. A. A. Madiwale, AGP for Respondent Nos.1 to 3.

Mr. K. K. Gour h/f. Mr. Y. B. Mandpe, Advocate for Respondent No.4.

CORAM : NITIN JAMDAR &
ANIL L. PANSARE, JJ.

DATE : 08 MARCH 2022

P. C. :

A request is made on behalf of the learned counsel for the Petitioner for adjournment. The learned counsel for Respondent No.4 opposes. We note that an order of status-quo was granted while issuing notice on 13 August 2018, which is still continuing.

2. By the impugned order, the Sub Divisional Officer Pusad has directed the Tahasildar, Pusad to take possession of the land from the Petitioner in respect of Survey No.28 at Mouza

Manjarjavla. A reference is made in the order to the decisions of the Civil Court.

3. The learned counsel for the Respondent No.4 accepts that the decisions of the Civil Court are not in respect of directing delivery of possession, but granting injunction. The learned counsel for the Respondent No.4 also submits that there were as many as three Civil Suits between the parties wherein orders have been passed and therefore, learned counsel accepts that these orders will have to be executed through Court process. That being the position, the impugned order dated 18 July 2018 issued by the Sub Divisional Officer cannot be sustained; the same is quashed and set aside.

4. The rights of the parties will be governed by the decisions rendered by the Civil Court. With these clarifications, Writ Petition is disposed of.

[ANIL L. PANSARE, J.]

[NITIN JAMDAR, J.]