



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

**97 WRIT PETITION NO.1118 OF 2022
WITH
CIVIL APPLICATION NO.7232 OF 2023 IN WP/1118/2022**

**RAMA ARJUN GARJE
VERSUS
THE SUB DIVISIONAL OFFICER AND OTHERS**

...
Advocate for Applicant : Mr. S.R. Andhale
AGP for Respondent Nos.1 and 2 : Mr. N.S. Tekale
Advocate for Respondent Nos. 3 to 8 : Mr. Y.B. Bolkar
...

**CORAM : ARUN R. PEDNEKER, J.
DATE : 04.12.2023**

P.C. :

- 1] Heard the learned counsel for the parties.
- 2] In the instant petitioner, the Mamlatdar, vide order dated 25.10.2017 has allowed the respondent Nos.3 to 8 to create a cart way to the respondents and directed to remove the construction for the road, which passes through the petitioner's land. The said order is maintained by the revisional authority. Hence, the present petition.
- 3] Learned counsel for the petitioner submits that he has filed the civil suit pertains to the same land and seeks injunction against the respondent Nos.3 to 8.

4] In view of Section 22 of the Mamlatdars' Courts Act, order passed under the Mamlatdars' Courts Act is subject to a decree or order to the contrary by Competent Civil Court.

5] In view of the same, the petitioner is at liberty to seek appropriate order of injunction from the Civil Court. The Civil Court's order would be binding on the authorities under the Mamlatdars' Courts. The injunction application filed by the petitioner to be decided by the Civil Court in the pending suit in accordance with law without being influenced by the order impugned in the present petition or any order passed by the Mamalatdar Court.

6) The writ petition is disposed of.

7) Pending civil application, if any, also disposed of.

[ARUN R. PEDNEKER]
JUDGE

S.P.Rane