

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

905 WRIT PETITION NO.4493 OF 2022

**SHAIKH NOOR SHAIKH HUSEN
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

Mr. Vinod Prakash Patil, Advocate for the petitioner
Mr. G. J. Pahilwan, Advocate for the respondent Nos. 4 to 14
Mr. K. B. Jadhavar, AGP for the respondents/State

CORAM : KISHORE C. SANT, J.

DATE : 30th JUNE, 2023

P. C.

1. The petition is against the order passed by the Sub-Divisional Officer, Bhokardan dated 28-12-2021 rejecting revision application of the petitioner filed under Section 23 (2) of the Mamlatdars Court Act. By the said order the learned Sub-Divisional Officer, has rejected the revision application that was filed challenging the order passed by the Tahasildar directing to remove obstructions and allow the respondents original applicant before Tahasildar to use way.

2. The learned advocate for the petitioner submits that

there is also a civil suit filed by the petitioner against the private respondents in this petition. Suit is for injunction against the respondents.

3. Since the subject matter of this petition and subject matter of the civil suit i.e. RCS N. 127/2021 pending before the CJJD, Bhokardan, it would be appropriate to dispose off the petition subject to right of the parties that would be decided in the said suit.

4. It is expected of the civil court not to get influenced by the orders passed by the authorities under the Mamlatdars Court Act.

5. With this, petition stands disposed off.

[KISHORE C. SANT, J.]