

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

929 WRIT PETITION NO.3287 OF 2022
WITH CA/16900/2022 IN WP/3287/2022

SANTARAM RAOSAHEB SATHE AND ANOTHER
VERSUS
THE ADDITIONAL COLLECTOR (REHABILITATION) AND OTHERS

...
Advocate for Petitioners : Mr. Y.D. Kale
AGP for Respondents 1 & 2 : Mr. K.B. Jadhavar
Advocate for Respondents 5A to 5D, 6 to 15 : Mr. V.H. Pathade
Advocate for Respondent 16 : Mr. S.D. Deshmukh

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CORAM : ARUN R. PEDNEKER, J.
DATED : 01/03/2023

PER COURT :

1. The learned counsel for the petitioners submits that the suit for declaration and injunction filed in civil court is in respect of the same property, on which access sought was granted by the Mamlatdar under section 5 of the Mamlatdar's Courts Act. The learned counsel relies upon section 22 of the Act, contending that the orders passed by the Civil Court will have over riding effect on the orders passed by the Mamlatdar.
2. In view of this position of law, this petition is disposed of with direction that the order passed by the Civil Court on the same subject matter would supersede any order passed by the Mamlatdar.
3. The learned counsel for the petitioner is permitted to produce the order of the Civil Court before the concerned Mamlatdar to act upon. All pending civil application are disposed of.

[ARUN R. PEDNEKER J.]

ssc/