



Sonali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 12669 OF 2023

Hanumant Nivrutti Yadav

...Petitioner

Versus

The District Magistrate and Collector, Solapur & ...Respondents
Ors.

Mr. S. S. Panchpor a/w. S. S. Natu, for the Petitioner.

Mrs. V. S. Nimbalkar, AGP, for the State.

Mr. Chinmay Patil i/b. DD Abhijit & Associates, for Respondent
Nos.4 and 5.

CORAM MADHAV J. JAMDAR, J.
DATED: 20th DECEMBER 2023

PC:-

1. Heard Mr. Panchpor, learned Counsel appearing for the Petitioner, Mrs. Nimbalkar, learned AGP appearing for the State and Mr. Patil, learned Counsel appearing for Respondent Nos.4 and 5.

2. The challenge in the present Writ Petition filed under Article 226 of the Constitution of India is to the legality and validity of the

Order dated 3rd February 2023 passed by the Taluka Executive Magistrate alias Tahsildar, Malshiras.

3. Mr. Panchpor, learned Counsel appearing for the Petitioner raises several contentions including that the impugned Order is to be passed by the District Magistrate.

4. However, the factual position on record shows that the said proceedings are taken out for the execution of the Judgment and Award dated 11th July 2013 passed in Dispute No.218 of 2012.

5. It is admitted position that the said Judgment and Award has not been challenged. The Judgment and Award is of the year 2013 and not executed even after passage of more than 10 years.

6. Accordingly, no interference is warranted under Article 227 of the Constitution of India.

7. The Writ Petition is dismissed, however with no order as to costs.

(Madhav J. Jamdar, J.)