

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 8851 OF 2023

Baban K. Bhujbal and ors. ...Petitioners
V/s.
The Tahsildar, Shirur and ors. ...Respondents.

Mr. Vivek V. Salunke a/w. Mr. Anuj Tiwari for the Petitioner.
Mr. P.G. Sawant, AGP for the Respondent/State.

CORAM : N.R. BORKAR, J.
DATE : 18.07.2023.

P.C. :

1. The petitioners being aggrieved by the order dated 1 September 2022 passed by the respondent No.1-Tahsildar, Shirur, have filed the present petition. By the order impugned, respondent No.1 granted interim injunction in favour of the respondent Nos.2 to 4 during the pendency of application filed by them under Section 5 of the Mamlatdar Court Act, 1906.

2. I have heard the learned counsel for the petitioners.

3. The learned counsel for the petitioners submits that the provisions of Mamlatdar Courts Act do not confer power on the Tahsildar/Mamlatdar to grant interim injunction. The learned counsel for the petitioners, in support of his submission, has relied upon the judgment of this Court in **Sandip B. Bhakare vs. Santosh M. Dave and ors.**¹

¹ 2022 (2) Mh.L.j.516

5. The main application is still pending. In that view of matter, instead of entertaining the present petition on merits, after more than nine months of passing of impugned order, in my view, it would be appropriate to direct the respondent no.1 - Tahsildar to decide the main application expeditiously. Accordingly, the respondent No.1 - Tahsildar shall endeavour to decide the main application, as early as possible and in any case within a period of four months from the date of receipt of copy of this order.
6. All contentions of the parties are kept open.
7. The Petition is disposed of in the aforesaid terms.

[N.R.BORKAR, J.]