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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.12840 OF 2023

Deepak Baburao Shirole ... Petitioner
V/s.
State of Maharashtra and Ors ... Respondents

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Mr. Kuldeep U Nikam i/by Mr.Om Latpate, for
petitioner.

Mr. P. P. Pujari, AGP for State/Respondent Nos.1 to 4.

CORAM : AMIT BORKAR, J.

DATED : OCTOBER 18, 2023

P.C.:

1. Challenge in this writ petition under Article 227 of the Constitution of India is to the orders passed by the Courts below refusing to grant injunction against the defendant restraining Deputy Commissioner/Sub-Divisional Officer and Tahasildar from implementing their orders passed in exercise of their statutory powers and further restraining defendant No.5 to 14 from disturbing petitioners possession over the suit property.

2. Both the Courts below relying on orders passed by respondent Nos.3 and 4 under Section 5 of the Mamlatdar's Courts Act, 1906 held that prima facie road as claimed by defendant Nos.5 to 14 exists. The finding of existence of road is based on

orders passed by respondent Nos.3 and 4. The orders of respondent Nos.3 and 4 are based on panchnama carried out on 10 June 2018. The panchnama clearly states that there was existence of road as claimed by defendant Nos.5 to 14. Therefore, in my opinion, exercised discretion by the Courts below need not be interfere with Article 227 of the Constitution of India insufficiency of material is no ground to interfere with the impugned orders. Hence, the writ petition is dismissed. No costs.

3. It is made clear that observations made in the order, are only for the purpose of decision on temporary injunction application and shall not influence the Trial Court from deciding suit on its merit.

(AMIT BORKAR, J.)