

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.5071 OF 2023

The Village Development Officer Gram Panchayat, Kakda, Tah. Achalpur, Dist.
Amravati and others **.Vs.** Sayyad Shakil S/o Sayyad Bashir and others

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri S.S. Shinde, Advocate for the petitioners.

Ms T.H. Khan, A.G.P. for the respondent No.7/State.

CORAM : ANIL S. KILOR, J.

DATED : 09/08/2023

1. Heard.

2. This matter pertains to grant of injunction in favour of the respondents/plaintiffs restraining the defendant including the petitioner from disturbing the peaceful possession of the respondents without following due process of law.

3. The only ground which is raised in the present petition is that, alternate remedy against the issuance of notice under Section 53 of the Maharashtra Village Panchayats Act, 1959 is available and therefore, such injunction ought not to have granted. However, after going through the prayer clauses made in the suit and on a specific query put to the learned counsel for the petitioners whether such relief can be granted in appeal against the notice under Section 53 of of the Maharashtra Village Panchayats Act,

1959, the learned counsel for the petitioner could not answer the such query. He submits that, the suit may be maintainable however, the injunction cannot be granted.

4. However, while restraining the petitioners from disturbing the peaceful possession of the plaintiff, the learned lower Court has categorically observed that the same can be done after following due process of law.

5. In the circumstances, I do not find any reason to interfere with the impugned order. Accordingly, the writ petition is **dismissed**.

6. Considering the issue involved in the suit, the trial Court is directed to expedite the suit and in any case decide the same within **one week**.

JUDGE