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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

4 WRIT PETITION NO. 3227 OF 2024

ARUN RAMKISHAN CHOLE

....Petitioner

VERSUS

THE ADDITIONAL DIVISIONAL COMMISSIONER AND OTHERS
.....Respondents

Mr. Shrikant B. Madde, Advocate for the petitioner
Mr. S. N. Kendre, AGP for the respondents/State

CORAM : S. G. MEHARE, J.

DATE : 18th APRIL, 2024

P. C.

1. Heard.

2. Issue notice to the respondents. Learned AGP waives service of notice for the respondents/State.

3. The petitioner prays to stay the impugned order of the learned Additional Collector, Latur passed in File No. 2023/ROR/CR-125 dated 03-01-2024. Being aggrieved by the said order, the applicant preferred the writ petition.

4. Learned counsel for the petitioner submits that the partition suit is pending before the civil court. However, on the basis of entry in 7/12 extract respondent Nos. 5 and 6 are going to create a third party interest in the suit property. However, the petitioner has no material prima-facie to satisfy the court that respondent No. 5 is prepared to create a third party interest. That apart, if the petitioner has an apprehension of creating a third party interest in the suit property, he has remedy available before the Civil Court. Only on the surmises of the petitioner, it cannot be believed that the rights of the petitioners are going to be violated or invaded. Impugned order does not affect the right of the parties. No serious harm is caused due to impugned order. Therefore, there is no substance in the petition. Hence, petition stands dismissed.

[S. G. MEHARE, J.]