



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

911 CRIMINAL WRIT PETITION NO. 1632 OF 2024

**MUNAB SHAHA NUR SHAHA AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Advocate for the Petitioners : Mr. Mahesh K. Bhosle
APP for Respondent Nos. 1 to 4 : Mr. V. M. Chate

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CORAM : Y. G. KHOBRAGADE, J.

DATE : 10.10.2024

PER COURT :

1. Heard learned counsel appearing for the Petitioners. Mr. V. M. Chate, learned APP waives service of notice on behalf of Respondent Nos. 1 to 4.

2. By the present petition under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, the Petitioners have challenged the order dated 29.07.2022 passed by the Tahsildar, Jafrabad / Respondent No.2, whereby the owners or interested persons in land survey no. 3/1 gut no.6, admeasuring 3 H. 39 R were directed to approach the Civil Court for adjudication of their right because the mutation entry no.322 has already been granted on 21.10.1977 in the names of original owner Nur Shaha Gulab Shaha and his six sons. But as per the consolidation report Nur Shaha Gulab

Shaha is not shown as a owner of the land. So also, as per partition mutation entry has been effected in the name of Munab Shaha Nur Shaha to the extent of 1 H 69 R. As per 7/12 extract, the name of Munab Shaha Nur Shaha is entered in the land admeasuring 1 H 31 R and the mutation entry in respect of 1 H. 59 R. appears in the name of Lukmanshah Nur Shaha. Therefore, it would not be possible to obstruct the Non-Applicant for cultivation of the land.

3. During the course of argument, the learned counsel appearing for the Petitioners produced a communication dated 04.10.2024 issued by Respondent No.2 – Tahsildar, Jafrabad to the Assistant Police Inspector, Police Station, Tembhurni, Taluka Jafrabad, District Jalna for providing police protection. However, the Petitioners already approached before the Civil Court by filing a Civil Suit No. 158 of 2022 in respect of the field which is subject matter of the present petition. Therefore, to my mind if the Petitioners are having any grievance about the impugned order as well as the communication dated 04.10.2024, they are having a remedy to file an appropriate application in the pending suit.

4. In view of the above, I do not find any reason to entertain the present petition. Accordingly, the petition is dismissed.

(Y. G. KHOBRADE, J.)