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

WRIT PETITION NO.2633 OF 2024

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Vitthal Dagadu Gavand & Ors.

... Petitioners

V/s.

The State of Maharashtra & Ors.

... Respondents

Ms. Priyanka Gupta i/by Mr. Rupesh A. Zade for the
petitioners.

Mrs. D.S. Deshmukh, AGP for respondent No.1/State.

Mr. Ramdas Shelke for respondent Nos.2 to 8.

CORAM : AMIT BORKAR, J.

DATED : FEBRUARY 29, 2024

P.C.:

- 1. Rule.** Rule is made returnable forthwith.
- 2.** The challenge in this writ petition is to the interim order passed by the Tehsildar, Daund issuing injunction by way of interim relief.
- 3.** The power of Mamlatdar (Tehsildar) under Section 5 of the Mamlatdar Court Act, 1906 to grant interim relief is no longer *res integra* in view of the decision of this Court in **Sandip Bhagvatrao Bhakare v. Santosh Mohanlal Dave** reported in 2022 (2) Mh.L.J. 516. Learned Single Judge of this Court has held that the Mamlatdar (Tehsildar) has no power to issue interim order of injunction pending application under Section 5 of the

Mamlatdar Court Act, 1906. Therefore, the order impugned in the present writ petition is ex facie without jurisdiction.

4. Hence, rule is made absolute in terms of prayer clause (a).
5. The writ petition stands disposed of. No costs.

(AMIT BORKAR, J.)