

Shabnoor

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

WRIT PETITION NO.7092 OF 2024

Anil Nana Kable & Anr.

... Petitioners

V/s.

Ramesh Annaso Bandar & Anr.

... Respondents

Mr. Gavnekar a/w Mr. Ashutosh Gavnekar, for
Petitioners.

CORAM : AMIT BORKAR, J.

DATED : JUNE 18, 2024

P.C.:

1. According to the petitioners, certificate under Section 24 of the Maharashtra Prevention of Fragmentation and Consolidation of Holdings Act, 1947 was issued in favour of petitioners' predecessor in relation to 88 R of the land. However, the plaintiff claims that the property at site exists to the extent of 80 R. In this situation, the point for consideration is whether the suit is covered by the judgment in the case of **Anathula Sudhakar Vs. P. Buchi Reddy (Dead) By Lrs & Ors.**, reported in 2008 (4) SCC 594 whereby the Apex Court has held that in case plaintiff claims to be in possession, but his title to the property is under a cloud or in dispute, an injunction simpliciter is not maintainable. Moreover, enquiry to be conducted in such a suit for injunction shall be restricted to the lawfulness of possession of parties over the suit property.

2. In this view of the matter, issue notice to the respondents, returnable on **16 July 2024**.

(AMIT BORKAR, J.)