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

WRIT PETITION NO. 9958 OF 2024

Sangli Miraj and Kupwad City Municipal
Corporation Sangli, Through its Commissioner
and Anr.

.. Petitioners

Versus

Adinath Appaso Shedbale and Ors.

.. Respondents

-
- Mr. Vikram N. Walawalkar, Advocate for Petitioners.
 - Ms. Snehal S. Jadhav, AGP for Respondent – State.
-

CORAM : MILIND N. JADHAV, J.

DATE : JULY 22, 2024.

P.C.:

1. Heard Mr. Walawalkar, learned Advocate for Petitioners and Ms. Jadhav, learned AGP for Respondent – State.

2. In the present Writ Petition, Suit has been filed by the Plaintiff for a declaratory relief in respect of lapsing of reservation and consequential declaration that the Suit property is not affected by the said reservation. Such a Suit is clearly not maintainable in law. If the Plaintiff is aggrieved with the entry of the name of Petitioners in the revenue record with respect to the reservation, the only remedy of Plaintiff is to file a Writ Petition to seek such a declaration. Filing a Civil Suit is clearly not sustainable.

3. It is seen that by the impugned order dated 17.06.2023, Application under Order VII Rule 11 of the Code of Civil Procedure, 1908 of the Defendant – Corporation stands rejected.

4. An arguable case has been made out by Mr. Walawalkar for issuance of notice and immediate stay of the impugned order dated 17.06.2023.

5. Hence, issue notice to the Respondents. Humdast permitted.

6. In addition to Court notice, Petitioner are permitted to serve a copy of the Writ Petition and this order on the Respondents and inform them about the next date of hearing by any permissible mode of service and file appropriate Affidavit of service with tangible proof thereof on or before the next date.

7. After receiving notice, Respondents are directed to take cognizance of this order and file their Affidavit-in-Reply on or before the next date, if so desired.

8. It is clarified that, this Writ Petition shall be disposed of on the next adjourned date at the stage of admission itself after hearing the parties.

9. Respondents are directed to remain present in Court on the next adjourned date either by themselves or through Advocate.

10. In the meanwhile, the proceedings before the learned Trial Court shall stand stayed until the present Writ Petition is determined by this Court.

11. Stand over to **12th August 2024.**

[MILIND N. JADHAV, J.]

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