

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.16686 OF 2024

SATISH
RAMCHANDRA
SANGAR

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SATISH RAMCHANDRA
SANGAR
Date: 2024.11.22
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Shri.Subhash Pandurang Mole and Ors.

...Petitioners

V/s.

Government of Maharashtra,
Through Collector, Kolhapur District,
Kolhapur and Ors.

...Respondents

Mr.Sandeep Koregave a/w Ms.Pallavi Karanjkar:-	Advocates for Petitioners.
Ms.Vaishali Nimbalkar : AGP:-	On behalf of Respondent Nos.1 to 5.

CORAM : S. M. MODAK, J.

DATE : 18th NOVEMBER 2024

P. C. :-

1. Heard learned Advocate for Petitioners-Plaintiffs and learned AGP for Respondent Nos.1 to 5.
2. The Respondent No.6 is Devasthan / Owner. There is a dispute about location of these 12 Shops. According to the Plaintiffs, they were constructed on the land bearing Survey No.249. Whereas, the Revenue Authorities contend that in fact, they were constructed on land bearing Survey No.253 which is owned by the Devasthan.

3. During pendency of the Suit, the trial Court granted two sorts of interim reliefs. First, they restrained Defendant Nos.1 to 5 from disturbing the possession of those Shops till disposal of the Suit. Second, they directed the Defendants to de-seal Shop Nos.1 to 9.

4. In the meantime, 3 Shops were demolished. The Appellate Court as per the order dated 24th October 2024 has set aside the order passed on 16th December 2023. That is why, this Writ Petition. The Appellate Court directed Defendant No.3 not to take any action till 15th November 2024. That is why, this urgency.

5. Yet, notice is not issued to Defendant No.6. Issue notice before admission to Defendant No.6. The order of de-seal was stayed by the Appellate Court during pendency of the Appeal. Today, there cannot be any order about de-sealing unless the parties are heard in detail.

6. So far as the temporary prohibitory injunction is concerned, learned AGP to give instructions to Defendant Nos.1 to 5 not to disturb the possession and enjoyment of the remaining 9 Shops of the Plaintiff till next date.

7. Stand over to **18th December 2024.**

[S. M. MODAK, J.]