



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

1 WRIT PETITION NO. 1156 OF 2025

MOHAMMAD ANWAR SHAIKH FARID

VERSUS

CHIEF OFFICER NAGAR PARISHAD OFFICE BHOKAR AND ANOTHER

Mr.Taher Ali Quadri, Advocate for the petitioner.

Mr.Ram S. Shinde, Advocate for respondent No.1.

Mr.Satyajit S. Bora, Advocate for respondent No.2.

CORAM : KISHORE C. SANT, J.

DATE : 03.04.2025

PC :-

01. Heard learned Advocates for the parties. The petitioner – original plaintiff has come to this Court challenging an order passed by the learned Adhoc District Judge-1, Bhokar dated 19.10.2024, thereby disposing off Misc. Civil Appeal No. 17 of 2024. The learned Appellate Court by way of the impugned order has dismissed the appeal of the petitioner. The petitioner has filed a suit against the respondents, seeking injunction from raising construction in the land owned by the petitioner.

02. It is the case that the respondents are trying to erect a statue of Sant Sevalal Maharaj on the land belonging to the petitioner. The petitioner claims ownership of the land being protected tenant in the land. He relies upon mutation entry taken on 15.01.1992 and 7/12 extract to show his possession.

03. On the contrary, it is the case of the Municipal Council that the Municipal Council has purchased the land of 2 Hectare 64 R from the original owner and now the said land is in possession of the Municipal Council. The statue is being erected within the land purchased by the Municipal Council.

04. Learned Advocate for the petitioner argued that both the Courts below have factually committed error. The Courts below failed to consider that the revenue entry standing in the name of the petitioner. He submits that Exh.5 application ought to have been allowed.

05. Both the learned Advocates for the respondents vehemently oppose the petition. They submit that both the Courts below have rightly appreciated *prima facie* material on record. The petitioner had filed a suit bearing RCS No. 163 of 2017, in which there is clear finding recorded by the Civil Court that the petitioner failed to prove his ownership on the land.

06. This Court has considered the submissions. It is seen from the orders passed by the Courts below that there is specific observation in Suit bearing RCS No. 163 of 2017 that the petitioner failed to prove ownership over the said suit land. His claim was on the land of 6 R. Though it is submitted that the suit was against office of Social Welfare, however, fact remains that the petitioner failed to prove his ownership even in that suit. This Court does not find any illegality committed by the Courts below. Merely because mutation entry stands in the name of the petitioner, it cannot be said to be conferring right of ownership on the

petitioner. This Court does not find any merit in the petition. The petition stands dismissed with no order as to costs.

07. Needless to say that observations made by the Courts below and even by this Court are only *prima faice*. The Trial Court to decide the suit without being influenced by any of the *prima facie* observations.

08. Considering that the suit is of the year 2021, same shall be decided within six months from today.

09. Learned Advocate for the petitioner prays continuation of the interim relief granted by this Court. Learned Advocates for the respondents, oppose the said prayer, stating that the construction has already been started on the suit land.

10. The interim relief granted earlier to continue for a period of four weeks from today.

[KISHORE C. SANT, J.]