



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 10128 OF 2025

Haidarkhan Khairatkhan Pathan
Through Gp Nasirkhan Haidarkhan Pathan & Ors. ...Petitioners

Versus

Afzalkhan Niyamatkhan Pathan & Ors ...Respondents

- Mr. Bhapkar Shivaji Bhimrao, for Petitioners.

CORAM : MANISH PITALE AND
Y. G. KHOBRAGADE, JJ.

DATE : 14th AUGUST 2025.

P. C. :

1. Heard learned counsel for the petitioners.
2. Having perused the petition and the documents filed therewith, we are convinced that writ jurisdiction of this Court under Article 226 of the Constitution of India cannot be invoked for seeking reliefs in terms of prayer clauses (c) and (d), which read as follows :

“C] To direct respondent No.2 not to measure the only land gut No. 177 measuring 0.1 R owned by respondent No. 1 situated at village Nalini Bk., Tq. Bhokardan, Dist. Jalna during the pendency of the regular civil suit No. 281/2024 pending before CJJD, Bhokardan, Tq. Bhokardan, Dist. Jalna in the absence of adjoining lands.

D] To restrain the respondent No. 2 from the measuring

land gut No. 177 in pursuance of application dated 01.10.2024 by the respondent No. 1 for the measuring of land gut No. 177 situated at village Nalini Bk., Tq. Bhokardan, Dist. Jalna, during the pendency of this writ petition.”

3. We find that since the petitioners herein themselves are plaintiffs in the pending Regular Civil Suit No.281 of 2024, before the Civil Judge Junior Division, Bhokardan, Dist. Jalna, they can ventilate their grievances, if any, before the aforesaid Court in accordance with law.

4. No case is made out for invoking writ jurisdiction in the facts and circumstances of the present.

5. The writ petition is dismissed. Pending applications, if any, also stand disposed of.

(Y. G. KHOBRAGADE, J.)

(MANISH PITALE, J.)