



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

45 WRIT PETITION NO. 4085 OF 2022

Bhagwan Laxman Tupkar

VERSUS

Narayan Gajanan Tupkar And Others

...

Mr. Ravindra V. Gore, Advocate for the Petitioner

Mr. N. D. Raje, AGP for Respondent Nos.1 & 4.

Mr. Vishal A. Bagdiya, Advocate for Respondent No. 1

...

CORAM : ROHIT W. JOSHI, J.

DATE : 18th AUGUST, 2025

P.C.:

1. In view of judgment dated 04.08.2025, passed in Writ Petition No.5074 of 2022 (*Vimal w/o Bhausaheb Nebde Vs. Sub Divisional Officer & Ors.*) and other connected matters, present Writ Petition stands disposed of with liberty to the petitioners to avail alternate remedy of filing Civil Suit.

2. The petitioners may challenge the impugned orders in the said Civil Suit and/or seek adjudication of the controversy forming subject matter of the dispute on merits. It is also made clear that even order of temporary injunction passed by Civil Court prevails over orders passed by authorities under the provisions of the Mamlatdars' Courts Act, 1906 and as such it will be open for the petitioners to file an application for temporary injunction as well.

3. Interim order dated 05.04.2022 is continued up to 15.10.2025.

Needless to mention that the Court will decide the application for grant of temporary injunction, as also prayer for ad-interim order, on its own merits.

4. Period spent in prosecution of the present Writ Petition shall be excluded for computation of limitation in view of Section 14 of the Limitation Act, 1963.

[ROHIT W. JOSHI J.]