



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 5492 OF 2024

Shivaji Nana Pawar And Others

VERSUS

The Sub Divisional Officer And Others

...

Mr. T. C. Kale, Advocate for the Petitioners

Mr. V. S. Badakh, AGP for Respondents-State

Mr. A. D. Choure h/f Mr. S. S. Thombre, Advocate for
Respondent nos.5 and 7 to 12.

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CORAM : ROHIT W. JOSHI, J.

DATED : 13TH AUGUST, 2025

ORDER :-

. 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. 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.)