



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

944 WRIT PETITION NO. 6759 OF 2025

PRAHLAD PUNDALIK PACHPANDE

VERSUS

**THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS**

...

Advocate for the Petitioner : Mr. Vishal Arjun Chavan
AGP for Respondent/State: Ms. M. N. Ghanekar
Advocate for Respondents No.4 to 6, 8, 9, 12 to 14 & 17 :
Ms. Mahajan Surekha P.

...

WITH

**CIVIL APPLICATION NO. 7402 OF 2025
IN WP/6759/2025**

...

CORAM : ARUN R. PEDNEKER, J.

DATE : 09.09.2025

PER COURT:

1. The order passed by the Mamlatdar is confirmed by the Sub-Divisional Officer. As such, the present petition is filed.

2. The learned counsel for the petitioner submits that the Mamlatdar has exercised the powers under Section 5 of the Mamlatdars' courts Act does not have the power to grant interim injunction. The Single Judge of the Gujrat High Court in the case of **Jamadar Suleman Bachumiya Vs. Mahavir Mathadin and anr.**, (1963) 4 GLR 131, dated 05.02.1962, has dealt with the similar issue and is of the opinion that the Mamlatdar does not have the power to grant interim injunction. Paragraph No.3 of the said Judgment, reads as under:

“3. ...

Further it is contended that although the learned Mamlatdar had jurisdiction to issue a permanent injunction under Section 5(2) of the Mamlatdars Courts Act he had no jurisdiction to issue an interim injunction under that section. This contention that the Mamlatdar had no jurisdiction to issue an interim injunction in a suit filed under Section 5(2) of the Mamlatdars Courts Act is correct...”

This court would be in agreement with the same.

3. I am informed that the proceedings stands transferred to another Mamlatdar at Maktainagar.

4. Considering the above, the impugned order passed by the Mamlatdar is set aside and the concerned Mamlatdar / authority is directed to decide the proceedings within a period of two (02) months from the date of production of this order.

5. The Writ Petition stands disposed of accordingly.

6. In view of the disposal of the writ petition, pending civil applications, if any, also stands disposed of.

[ARUN R. PEDNEKER, J.]

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