



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 9325 OF 2025

Mukund Shigir Giri And Another

VERSUS

The State Of Maharashtra Through Its Secretary And Others

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- Mr. S. A. Wakure, Advocate for the Petitioners
- Mr. R. K. Ingole, AGP for Respondents/State
- Mr. Anand S. Deshpande, Advocate h/f. Mr. Khot, Advocate for Respondent No. 5

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

DATE : 29.07.2025

PER COURT :

1. Heard learned counsel for the petitioners.
2. Upon considering the prayers made in this petition, we find that the reliefs sought are multifarious and these prayers are made in the backdrop of an admitted position that the petitioners themselves have filed Regular Civil Suit No. 266 of 2024 before the Court of Civil Judge, Senior Division, Gangakhed, seeking permanent injunction against the respondents. The record shows that by an order dated 20.09.2024, the said Court has rejected an application at 'Exhibit 19' filed by the petitioners (original plaintiffs), whereby their application for an order of status quo as regards their possession was rejected.

The documents also show that a further application at 'Exhibit – 5' has been filed by the petitioners seeking *ex parte* injunction against respondent Nos. 5 and 6 (original defendants), restraining them from unlawfully obstructing the peaceful possession of the petitioners in the suit property. By order dated 02.07.2024, the aforementioned Civil Court has already issued notice to the defendants, and the said application is still pending.

3. We also find that, as per prayer clause 'D' in the present petition, the petitioners have directly challenged an order dated 15.05.2025, passed by respondent No. 3 – the Sub Divisional Officer under Article 226 of the Constitution of India, despite the fact that a clear statutory remedy for challenging the said order is available to the petitioners under the provisions of the Maharashtra Land Revenue Code, 1966.

4. Apart from this, further orders passed by respondent – the Tahsildar have been challenged in this Writ Petition. We find that this petition is a clear case of mixing up of causes of action and seeking reliefs under Article 226 of the Constitution of India, which are not entertainable.

5. We are of the opinion that the petitioners can avail of remedy available under the Code of Civil Procedure, 1908, to challenge the

order dated 20.09.2024 passed by the said Civil Court rejecting the application for *status quo*, by filing an appropriate Appeal from Order. If the petitioners are aggrieved by any such order, that might be passed in appeal, a writ petition under Article 227 of the Constitution of India would then arise before a learned Single Judge of this Court.

6. The petitioners have bypassed all such available remedies and they have directly filed this petition under Article 226 of the Constitution of India, seeking multiple reliefs which cannot be entertained by this Court.

7. We are, therefore, of the view that this is a completely misdirected petition and hence we refuse to entertain the same.

8. No writ, much less a writ of *mandamus*, can be issued in the facts and circumstances of the present case.

9. The Writ Petition is **dismissed**.

10. Pending applications, if any, also stand disposed of.

11. Needless to say, the petitioner would always be at liberty to avail of remedies as indicated hereinabove, in accordance with law.

(Y. G. KHOBRAGADE, J.)

(MANISH PITALE, J.)