



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

2 WRIT PETITION NO.10184 OF 2025

PASHU KALU PATHAN

VERSUS

THE SUB DIV. OFFICER AND OTHERS

...

Advocate for the Petitioner : Mr.Sajed W. Khan

AGP for Respondent-State : Mr.S.N.Kendre

Advocate for Respondent no.3 : Mr.C.V.Tharurkar

...

AND

3 WRIT PETITION NO. 10189 OF 2025

VISHNU SHESHRAO JADHAV

VERSUS

SHAMSHER KHAN AFZAL KHAN AND OTHERS

...

Advocate for the Petitioner : Mr.Shaikh Faruk V. Patel

AGP for Respondent-State : Mr.D.R.Korde

Advocate for Respondent nos.1 to 6 : Mr.C.V.Dharurkar

...

CORAM : ARUN R. PEDNEKER, J.

DATE : 25.08.2025

P.C. :

1] Heard the learned counsel for the petitioners, learned AGP for the respondent-State and the learned counsel for the respondents.

2] By the present writ petitions, the petitioners challenge the order passed by the authorities under the Mamlatdars' Courts Act.

3] Section 22 of the Mamlatdars' Courts Act provides that any orders passed under the Mamlatdars' Courts Act would be subject to any order or the decree of competent Civil Court. Considering the conspectus of Section 22 of the Mamlatdars' Courts Act, the present proceedings being summary in nature, this Court permits the petitioners to file appropriate civil suit for claiming their rights of injunction or otherwise in the suit property.

4] The execution and implementation of the impugned orders passed by the authorities below are stayed for a period of three weeks from today. However, it is clarified that the execution and implementation of the impugned orders passed by the authorities below are stayed only for the purpose of enabling the petitioners to approach the Civil Court and the same is not on merits. If such proceedings are initiated by the petitioners before the Civil Court, the Civil Court shall decide the same on its own merits without being influenced by any orders of the authorities under the Mamlatdars' Courts Act or by this Court.

5] With the above observations, the Writ Petitions are disposed of.

[ARUN R. PEDNEKER]
JUDGE