



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

1014 WRIT PETITION NO. 13318 OF 2022

BHUSHAN UTTAMRAO PATIL AND ANOTHER
VERSUS
HANSRAJ TUKARAM PATIL

...

Advocate for the Petitioner : Mr. Mahajan Sudhakar T.
Advocate for Respondent No.1 : Ms. Shilpa D. Magre h/f Mr. Patil
Vijay B.

...

CORAM : SIDDHESHWAR S. THOMBRE, J.
DATE : 05.12.2025

PER COURT :

1. Heard Mr. Mahajan Sudhakar T., the learned Counsel for the Petitioner and Ms. Shilpa D. Magre h/f Mr. Patil Vijay B., learned Counsel for Respondent No.1.

2. The present petition is directed against the order dated 21.06.2012 passed below Exh. 10 by the District Judge-4, Amalner District Jalgaon, in Misc. Civil Appeal No. 02 of 2021 whereby, the learned appellate Court has set aside the order dated 21.01.2021 passed by the learned Civil Judge, Junior Division, Amalner, below Exh. 6 in RCS No. 28 of 2020 thereby allowing the appeal filed by respondent No. 1.

3. I have considered the submissions of Mr. Mahajan, the learned Counsel for the petitioner. He submits that defendant No. 1 was not having permission of construction, though he is owner of the

property, therefore, without permission, defendant No. 1 was not supposed to start construction.

4. I have considered the rival submissions. After going through the order passed by the Appellate Court it is clear that the Appellate Court has considered issue and recorded findings in paragraph Nos. 17 and 18. As far as the construction is concerned the learned appellate Court has specifically observed that if the construction is found unauthorized, the authority is supposed to take action against them. To some extent, the interest of the petitioner is already protected by the appellate Court.

5. Therefore, I am not inclined to entertain the present petition as I do not find any perversity in the orders of trial Court and Appellate Court to interfere under Article 227 of the Constitution of India.

6. In view thereof, the Writ Petition stands dismissed. No order as to the costs.

7. As both the learned Counsel submit that the suit is of the year 2020 and is pending since then for recording of the evidence, therefore, I direct the learned trial Court to decide the suit within a period of one year from today.

(SIDDHESHWAR S. THOMBRE, J.)