

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.4111 OF 2019

Shoukat Dastagir Jamadar, since deceased
Through his heirs (1) Shri Shakeel Shaukat Jamadar
& Ors. ... Petitioners

Vs.

The State of Maharashtra & Ors. ... Respondents

**WITH
INTERIM APPLICATION NO.1840 OF 2025
IN
WRIT PETITION NO.4111 OF 2019**

Adv. S. A. Shaikh a/w Shafi Shaikh for the Petitioners.
Mr. N. C. Walimbe, Addl. GP a/w Kavita N. Solunke, AGP for the
Respondent-State.
Adv. Pradeep D. Dalvi for Respondent Nos.2(a) and 2(b).
Adv. Ajit M. Savagare for Respondent Nos.9(a) and 9(b).

**CORAM : M.S. KARNIK &
N.R. BORKAR, JJ.**

DATE : 07TH AUGUST 2025

P.C. :

1. Multiple reliefs are claimed by the Petitioners in prayer clause (c) of the Petition, which reads thus:

“(c) That this Hon'ble Court may be pleased to issue writ of certiorari and/or any other appropriate writ and/or direction to quash and set aside the impugned order and judgment dated 16/03/1992 in Appeal No.263 of 1978 passed by the Ld. District Court Kolhapur and impugned Judgment and order dated 04/06/2005 in Suit No.49 of 1998 passed by Ld. Second Civil Judge, Junior Division, Jaisingpur and impugned order dated 20/03/2009 passed by the Ld. Tasildar in Application No.111 of 2008 and impugned judgment and order dated 03/11/2011 in Suit No.94 of 2009 passed by Ld. Civil Judge Senior Division, Jaisingpur and impugned order dated 19/11/2011 in Suit

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No.58 of 2010 passed by Ld. Civil Judge Senior Division, Jaisingpur and order dated 13/11/2018 passed in Misc. Civil Application No.15 of 2015 by District Judge Jaisingpur, declare and save the Constitutional Acts as mentioned in the above paras, as the properties were given to the Petitioners' father Shaukat Dastagir Jamadar along with Mhamulal and Rasool Jamadar."

2. We have heard Learned Counsel for the Petitioners at some length.
3. We find that the attempt on the part of the Petitioners is to deprive the decree holder from the fruits of the judgment and decree which was passed on 04th June 2005 in Suit No.49 of 1998. The action taken by the Revenue Authority is for the purpose of execution of the said decree.
4. The present Writ Petition for the reliefs sought can not be entertained. Keeping liberty to the Petitioners open to challenge the judgment and decree of the competent civil court before the appropriate forum provided for in law, the Petition is disposed of.
5. In view of the above, the Interim Application does not survive and the same is disposed of accordingly.

(N.R. BORKAR, J.)

(M.S. KARNIK, J.)