

Shabnoor

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

WRIT PETITION NO.12073 OF 2023

Shivaji Maruti Jagtap & Ors.	... Petitioners
V/s.	
Appa Shankar Jadhav & Ors.	... Respondents

Mr. Dinesh Bhosale for petitioners.

Mr. Sandeep S. Salunkhe for respondent Nos. 1 to 4.

CORAM : AMIT BORKAR, J.

DATED : JANUARY 22, 2025

P.C.:

1. The petitioners/original plaintiffs filed a suit challenging the order passed by the Tehsildar in exercise of power under Section 143 of the Maharashtra Land Revenue Code, 1966. In the said suit, the petitioners filed an application for temporary injunction restraining the defendants from creating interest/alienating over the road. However, both the Courts below rejected the application.
2. Considering the scope of judicial review against concurrent findings, the petition arising out of interim order; therefore, no case is made out for interference.
3. However, it is made clear that the Trial Court shall decide the suit uninfluenced by the observations and the findings recorded by the Courts below in the impugned orders.

4. Considering the controversy involved, the Trial Court shall decide the suit within one year.

(AMIT BORKAR, J.)