

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

WRIT PETITION NO. 390 OF 2025

Shamrao Dnyanu Shewale & Ors.

... Petitioners

Versus

Raghunath Eknath Patil & Ors.

... Respondents

Mr. Nagesh Y. Chavan, *for the Petitioner.*

Mrs. M.S. Shrivastava, *AGP for the Respondent / State.*

CORAM : SANDEEP V. MARNE, J.

DATE : 13 JANUARY 2025.

P.C. :

1) Heard Mr. Chavan, the learned Counsel appearing for the Petitioners. *Prima facie*, it appears that filing of proceedings under Section 5 of the Mamlatdars Courts Act, 1906 would be the due process of law contemplated under the order of interim injunction passed by Civil Judge, Senior Division, Sangli on 13 November 2019 in Regular Civil Suit No. 373 of 2011.

2) Therefore, *prima facie* it appears that the Tahsildar ought to have considered the proceedings initiated by the Petitioners on merits and should not have been influenced by the order of temporary injunction dated 13 November 2019 passed by the Civil Court.

3) Issue notice to Respondents, returnable on **20 February 2025**. In addition to Court notice, private notice is permitted. Mrs. Shrivastava, the learned AGP waives service on behalf of Respondent Nos. 4 and 5.

[SANDEEP V. MARNE, J.]