



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL WRIT PETITION NO. 1053 OF 2025

[Haridas Ramaji Parteki @ Parteti through his next friend Kishor S/o Haridas Parteki @ Parteti **vs.** State of Maharashtra through P.S.O., Gittikhadan P.S., Nagpur and anr.]

Office Notes, Office Memoranda
of Coram, Appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's orders

Mr. A. K. Neware, Advocate for the petitioner
Mr. I. J. Damle, APP for the State

CORAM: ANIL L. PANSARE
AND RAJ D. WAKODE, JJ.

DATE : 23-12-2025.

Heard.

2. The petitioner has approached this Court under Article 226 of the Constitution of India seeking injunction against respondents from interfering in the peaceful possession of the petitioner.

3. Upon reading the prayer, we expressed to the petitioner's counsel that the appropriate remedy as available is to file suit seeking injunction against the respondent, to which the argument in the form of question is put forth saying how can there be suit against police. Respondent no. 1 is Police Station, Gittikhadan, Nagpur and respondent no. 2 is Police Officer attached to Police Station, Gittikhadan.

2

4. We are surprised by the stand taken by the petitioner questioning how can there be suit against police. The argument appears to us to be overlooking the provisions of law. The suit against police station for injunction is otherwise maintainable. Learned counsel failed to show any impediment in this regard.

5. The petitioner's counsel insisted for hearing and, accordingly, we heard the petition to note following points.

The petitioner has on 17-6-2016 filed a suit against Sau. Rajani Kamalkishor Mishra, Shivaji Nagar Sahakari Bhadekaru Malki Gruhanirman Sanstha Ltd., Nagpur and Nagpur Improvement Trust, Nagpur for declaration and permanent injunction. The petitioner sought declaration of ownership in terms of Will dated 17-5-1976. The suit is still pending on the file of learned 12th Joint Civil Judge Senior Division, Nagpur. When enquired as to why did petitioner keep silence for years, if at all the claim of ownership is to be based on Will dated 17-5-1976, we did not get any satisfactory answer.

6. Learned counsel for the petitioner, however, submitted that on 22-11-1975, his father entered into agreement of sale with one Mr. Rameshprasad Baburam Pathak in respect of the property under question. His father has allegedly paid Rs. 2400/- as consideration

3

price. Mr. Pathak has some personal problem for execution of sale deed and, therefore, in addition to agreement to sell, he had also executed Will. Thereafter petitioner's father paid Corporation Taxes of the said plot and applied for regularization to Nagpur Improvement Trust (NIT) on 8-3-2016. NIT failed to regularize the plot and consider petitioner's father as owner, hence, the aforesaid suit was filed.

7. As could be seen, there is absolutely no explanation as to why did petitioner's father or for that purpose, the petitioner did not seek ownership for all these years. The petitioner has not placed before us the copy of Will or the agreement mentioned above. The petitioner has also not placed copy of tax receipts or revenue entries to justify his possession over the property. There is, therefore, nothing to support genuineness of the claim so made by the petitioner. In absence of any document, we are not in a position to concede to the premise that petitioner has legal right to retain possession. The petitioner has not placed before us any document in this regard.

8. That being so, the apprehension put forth by the petitioner that respondents are all set to dispossess him is without any substance. The appropriate remedy available to the petitioner was to approach Civil Court, rather, petitioner could have filed application in the pending suit as well, instead he approached this Court

4

for no valid reason. The petition is accordingly dismissed with costs of Rs. 10,000/-, which shall be deposited with the Registry within two weeks from today. The costs shall be remitted to Ucha Nyayalay Chaturth Shreni Karmachari Sangh, Nagpur.

(JUDGE)**(JUDGE.)***wasnik*