



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

WRIT PETITION NO.7412 OF 2025

MADHAV S/O UDDHAV KHADSE AND OTHERS
VERSUS
THE SUB DIVISIONAL OFFICER, WASHIM AND OTHERS

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. R.N. Ghuge, Advocate for Petitioners.
Mr. N.S. Autkar, AGP for Respondent Nos.1 & 2-State.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATED : 28th NOVEMBER 2025

1. Heard learned Advocate for the petitioners.
2. The petitioners' grievance is against failure on the part of respondent No.1 Sub Divisional Officer, Washim to consider the application for stay.
3. Learned Advocate for the petitioners points out that, after rejection of temporary injunction application in a suit filed by the respondents, the proceedings are initiated before the *Mamlatdar*, who has passed an order dated 27.10.2025, granting a right of way from the land belonging to the petitioners. It is submitted that the petitioners, therefore, filed an appeal before respondent No.1 and also sought for interim relief. However, same is not considered and the stay is rejected by order dated 06.11.2025, by respondent No.1. Learned Advocate for the petitioners has placed reliance on the judgment of the Hon'ble Supreme Court in the case of *Income Tax Officer, Cannanore Vs. M.K. Mohamad Kunhi, [AIR 1969 SC 430]*.

4. Learned Advocate for the petitioners submits that, in view of power to decide the main appeal, respondent No.1 had also powers to consider the application for stay.
5. Having regard to the controversy involved, issue notice to the respondents, returnable after three weeks.
6. Learned AGP waives service of notice on behalf of respondent Nos.1 and 2-State.
7. In the meantime, parties are directed to maintain *status quo* as on today.

(PRAFULLA S. KHUBALKAR, J.)

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