



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

939 WRIT PETITION NO.7446 OF 2025

Madhukar Uddhav Bhagwat And Others

VERSUS

The State Of Maharashtra And Others

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Advocate for Petitioners : Mr. K.R. Doke

AGP for Respondents: Mr. S.N. Kendre

Advocate for Respondent 2 : Mr. S. S. Gangakhedkar

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CORAM : S. G. CHAPALGAONKAR, J.

Dated : March 27, 2026

ORDER :-

1. Present writ petition takes exception to the order dated 7.5.2025 passed by the learned District Judge, Bhoom in Misc. Civil Appeal no.7 of 2025, thereby upholding the judgment and order dated 7.4.2025 passed by the learned Joint Civil Judge S.D., Bhoom, by which petitioners application for grant of temporary injunction pending hearing and final disposal of the R.C.S. No.249 of 2024 came to be rejected.

2. Petitioners suffered order under section 143 of the Maharashtra Land Revenue Code. Aggrieved by the said decision, petitioners filed R.C.S. No.249 of 2024 before the Civil Judge S.D. at Bhoom seeking relief of declaration and injunction against State of Maharashtra (through the

Tahsildar) and private respondents in whose favour the order under section 143 of the Code was passed. Petitioners filed an application below Exhibit-5 in the suit seeking temporary injunction against the respondents. However, in his application Exhibit-5, the State of Maharashtra (through the Tahsildar) was not made party. The Trial Court as well as learned District Judge concurrently observed that in absence of the Tahsildar being party to application seeking temporary injunction, no effective order can be passed. Eventually, petitioners suffered disinclination from both the Courts to grant prayer of temporary injunction.

3. Perusal of the plaint in R.C.S. No.249 of 2024 depicts that petitioners added respondent no.1 State of Maharashtra through the Tahsildar in pursuance to his prayers in the suit. Unfortunately, he could not arraign the State of Maharashtra through the Tahsildar, as party in his application under Exhibit 5. Both the Courts were justified in observing that since the order, which is subjected to challenge in the suit, is passed by the Tahsildar in exercise of the powers under section 143 of the Code is not made party, no order granting temporary injunction can be passed. In this backdrop, learned counsel appearing for petitioners submits that petitioners may be

permitted to add the Tahsildar as party to his application below Exhibit 5 and prosecute his application for grant of temporary injunction. This Court finds that since petitioners suffered rejection of his application for non-joinder of necessary party, he needs to be given an opportunity to add the Tahsildar, Bhoom as party in the application and relegate the matter for re-consideration to the Trial Court. Hence, following order.

O R D E R

- i. The impugned orders are quashed and set aside.
- ii. The matter is relegated back to the Trial Court.
- iii. The petitioners are permitted to add the Tahsildar as party respondent in this application Exhibit-5. Such an amendment to be carried out within a period of two weeks from today.
- iv. Learned Trial Court shall re-consider petitioners application Exhibit-5 on its own merit and pass the reasoned order after considering the rival contentions.
- v. Writ Petition stands **disposed off**. The Trial Court shall endeavour to decide the application Exhibit-5 expeditiously and, in any case, within a period of (8) eight weeks from the date of this order.

(S. G. CHAPALGAONKAR, J.)

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