



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 8060 OF 2025

Ashok Gulabchand Nahar And Another

VERSUS

The Collector, Beed And Others

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Mr. S. V. Dixit, Advocate for the Petitioners

Mr. S. R. Yadav Lonikar, AGP for Respondents

Mr. S. T. Yaseen, Advocate for Respondent No. 4

CORAM : S. G. CHAPALGAONKAR, J

DATE : APRIL 22, 2026

PC:

1. The present Writ Petition takes exception to order dated 12.06.2025 passed by learned District Court, Majalgaon in Misc. Civil Appeal No. 4/2024, thereby upholding order dated 02.02.2024 passed by learned Civil Judge, Senior Division, Majalgaon below Exhibit 5 in RCS No. 528/2019 whereby Petitioners application seeking temporary injunction has been rejected.

2. The Petitioners instituted RCS No. 528/2019 before Civil Judge, Senior Division, Majalgaon seeking declaration of ownership over suit property on basis of adverse possession and perpetual injunction against Defendant from interfering in his peaceful possession. The Petitioners have also filed application for temporary injunction in suit. The Trial Court after considering rival contentions rejected Petitioners prayer for grant of temporary injunction. The Petitioners preferred Misc. Civil Appeal No. 04/2024 before District Court at Majalgaon, however, their Appeal also dismissed vide impugned order dated 12.06.2025.

Hence, this Petition.

3. Heard learned advocates appearing for respective parties.
4. The both Courts on appreciation of material on record concluded that *prima facie* Petitioners could not establish case for grant of relief of temporary injunction.
5. Mr. Dixit, learned Advocate appearing for Petitioners, submit that since the claim in suit is for declaration of ownership on basis of adverse possession, Petitioners claim would be frustrated if Defendant is permitted to carry on construction over suit site.
6. The learned Advocate appearing for Respondent No. 4, on instructions, submits that already construction over suit property is completed by Respondent – Municipal Council.
7. In this backdrop, without delving into controversy between parties, Writ Petition stands disposed of with clarification that any construction made by Respondent/Defendant on suit property shall be subject to final outcome of suit and it shall not be impediment in granting any relief in favour of Petitioner if he establish his title during course of trial.

(S. G. CHAPALGAONKAR, J.)

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