

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 941 OF 2026



1. Shamrao Shahadu Patil
Age : 65 years, Occu : Agri.,
2. Anil Ramdas Patil,
Age: 46 years, Occu: Agri.,
3. Pradip @ Dilip Ramdas Patil,
Age: 41 years, occu: Agri.,
4. Pramila Ramdas Patil,
Age: 49 years, occu: Agri.,
All R/o. Madani, Tq. Jamner,
Dist. Jalgaon.
5. Jijabai Pandhari Patil
Age: 68 years, occu: Household,
R/o. Molkheda, Tq. Soygaon,
Dist. Chhatrapati Sambhajinagar
6. Bebibai Suresh Patil
Age: 56 years, Occu: Household,
R/o. Anand Nagar, Bodwad,
Tq. Bodwad, Dist. Jalgaon.
7. Indirabai Prakash Patil
Age: 46 years, Occu: Household,
8. Chotibai @ Mina Bandu Patil
Age: 46 years, Occu: Household,
Both R/o. Karanji, Tq. Bodwad,
Dist. Jalgaon.
9. Pratibha Sanju Patil
Age: 49 years, occu: Household,
10. Pramilabai Shenfadu Patil
(since deceased) through Legal heirs
- 10A. Sanjay Shenfadu Patil
Age: 43 years, Occu: Agri.,
No. 9 & 10A R/o, Jalandri,
Tq. Jamner, Dist. Jalgaon.

...Petitioners
(Orig. Plaintiffs)

VERSUS

1. Dilawar Husain Tadavi,
Age: 55 years, Occu: Agri.,

(2)

R/o. Madni, Tq. Jamner, Dist. Jalgaon.

2. Pramilabai Shenfadu Patil
(Since deceased) through legal heir
- 2A. Pandu Shenfadu Patil
(since deceased) through legal heirs
- 2Ai. Aruna Pandu Patil
Age: 46 years, Occu: Household,
- 2Aii. Rupali Pandu Patil
Age: 26 years, occu: Household,
- 2Aiii. Pawan Pandu Patil
Age: 21 years, Occu: Agri.,
All R/o. Jalandri,
Tq. Jamner, Dist. Jalgaon.
- 2Aiv. Bhagyashri Manoj Patil
Age: 27 years, Occu: Household,
R/o. Manegaon, Tq. Muktaingar
Dist. Jalgaon.
3. Allauddin Husain Tadavi (Bhil)
Age: Major, Occu: Labour work,
R/o. Madni, Tq. Jamner,
Dist. Jalgaon.
4. Rumsadabi Nashir Tadavi,
Age: Major, Occu: Household,
R/o. Vasantnagar, Ta. Jamner,
Dist. Jalgaon.

...Respondents

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Advocate for the Petitioner : Mr. Wani Girish V.

Advocate for Respondent Nos.1, 3 & 4 : Mr. Shelke Manoj Uttamrao

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CORAM : S. G. CHAPALGAONKAR, J.

DATED : FEBRUARY 02, 2026

ORAL JUDGMENT :-

1. Rule. Rule made returnable forthwith and heard finally with consent of parties.
2. Present petition takes exception to order dated 22.12.2025 passed below Exhibit-62 in R.C.S. No.94 of 2024 by Civil

Judge Junior Division, Jamner, District Jalgaon, whereby petitioners application seeking police aid has been declined.

3. The petitioner purchased suit property under registered sale deed dated 21.10.1970. His name was entered in record of rights. The petitioner filed R.C.S. No.94 of 2024 before Civil Court seeking relief of declaration of ownership and perpetual injunction against respondents. He filed application below Exhibit-6 seeking temporary injunction. Thus, Trial Court after considering rival contentions, allowed application Exhibit-6 vide order dated 25.07.2024. The respondents filed appeal which is subjudice without interim orders. The order of temporary injunction passed against respondents is operating.

4. In this background, petitioner filed an application below Exhibit-62 under Section 151 for grant of police aid as respondents were obstructing him from cultivating land. However, Trial Court declined police protection merely on the ground that action under Section 36(2) of Maharashtra Land Revenue Code is proposed against petitioner, as transaction under sale deed dated 21.10.1970 is hit by Section 36(3) of Maharashtra Land Revenue Code. The Trial Court observed that now revenue authorities have initiated proceedings to hand over possession of suit property in favour of respondents.

5. It appears that respondent no.1 initiated proceedings before Tahsildar under Section 36(3) of Maharashtra Land Revenue

Code, learned Tahsildar vide order dated 07.01.2025 cancelled mutation entry no.181 taken in the year 1970 in pursuance to sale deed dated 21.10.1970 executed in favour of petitioner. Learned Tahsildar directed to move proposal to District Collector, Jalgaon for cancellation of sale deed under Section 36(2) of Maharashtra Land Revenue Code.

6. Pertinently, Tahsildar's order has been stayed by Maharashtra Revenue Tribunal on 14.08.2025 in Case No.12/A/2025/Jalgaon. The aforesaid sequence of events would show that till this date, sale deed of 1970 executed in favour of petitioner is intact. The competent authority has not cancelled or set aside the sale deed. The Civil Court has granted temporary injunction in favour of petitioner restraining respondents from disturbing peaceful possession of petitioner's over suit property. In this backdrop, if defendants are persistent upon act of disturbance in peaceful possession of plaintiff or creating hurdles in cultivation of land, it is imperative that the Civil Court should extend necessary police aid, atleast for harvesting standing crops. Such police protection can be made for limited period to prevent breach of injunction order.

7. Mr. Shelke, learned advocate appearing for respondents would submit that in pursuance to order passed by Tahsildar dated 07.01.2025, mutation entry has been already cancelled therefore,

petitioner cannot claim relief of police protection. In support of his contention, he relies upon judgment of High Court of Punjab and Haryana at Chandigarh in case of Iqbal Singh Vs. Mridu Nagpal and Anr. in CR No.1342 of 2009 decided on 03.09.2009 to contend that in case there is allegation of breach of injunction, remedy under Order 39 Rule 2-A of Civil Procedure Code would be available.

8. In present case, petitioner seeks police protection in view of subsisting injunction order operating against respondents. Apparently, respondents are bent upon to breach injunction order. It is imperative to provide police aid to maintain sanctity of injunction order.

9. In result, writ petition is allowed in terms of prayer clause (B). The petitioner is held entitled for police aid for limited period of 30 days, subject to payment of necessary charges.

10. Needless to state here that observations made here-in-above are limited for purpose of deciding present writ petition and no authority or Court shall get influenced by it while taking decision on merit.

(S.G. CHAPALGAONKAR, J.)