

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 4413 OF 2026

Dakshin Mukhi Hanuman Mandir Through Its Secretary Ramnath
Tirthraj Gangadhar

VERSUS

The State Of Maharashtra Through Collector Beed And Others

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Advocate for the Petitioner : Mr. Hande Avinash D.

AGP for Respondent/State : Mr. S.D. Ghayal

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CORAM : S. G. CHAPALGAONKAR, J.

DATED : APRIL 23, 2026

PER COURT :-

1. Present petition takes exception to order dated 13.01.2026 passed by Principal District Judge, Beed in Misc. Civil Appeal No.106 of 2022, whereby District Judge dismissed appeal filed by petitioner and confirmed order dated 14.09.2022 passed below Exhibit-5 by Civil Judge Senior Division, Beed in R.C.S. No.479 of 2018, whereby petitioner's application for temporary injunction has been rejected.

2. The petitioner is a registered trust. The petitioner owns construction of a temple situated in Survey No.60 which is gairan/grazing land. The name of temple is appearing in 7/12 extract. The trust has constructed a temporary shed around temple and rented to seven persons. In this backdrop, State of Maharashtra through Collector issued notice to petitioner for removing encroachment made on government land. Pertinently, aforesaid

encroachment was brought to notice of this Court in Public Interest Litigation No.146 of 2016 where defendant nos.1 and 2, State Authorities have submitted an undertaking for removing encroachment within a year by following due process of law. In this backdrop, plaintiff filed R.C.S. No.479 of 2018 before Civil Judge Senior Division, Beed seeking relief of perpetual injunction and raising challenge to notice issued by respondents. The petitioner also filed application seeking temporary injunction. The Trial Court refused to entertain said application. Hence, petitioner filed Misc. Civil Appeal No.106 of 2022. The same has been dismissed vide impugned order 13.01.2026.

3. Learned advocate appearing for petitioner submits that there is no dispute that temple belongs to trust and temporary shed has been constructed by trust. The area of temple as well as temporary construction is noted in municipal record. Therefore, till decision of suit, it was necessary to protect possession of plaintiff over suit property by granting order of temporary injunction.

4. This Court finds that construction of temple itself is in gairan land and same is encroachment. Apart from that, petitioner has raised construction of temporary shed and given it on rent so as to generate income of temple. The defendants appears to have rightly issued notice dated 19.12.2017 for removal of encroachment on gairan land and proceed to take action as assured to this Court in

Public Interest Litigation No.146 of 2016. Both Courts have rightly considered legal and factual aspects and refused to grant temporary injunction as prayed. This Court finds no reason to entertain writ petition. Writ Petition stands rejected.

(S.G. CHAPALGAONKAR, J.)