

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7205 OF 2026

Namdev Kushaba Pokharkar & ors. ..Petitioners

Versus

Khandu Kushaba Pokharkar & ors. ...Respondents

Mr. Manish Khadakban i/b. Mr. Prashant S Zende a/w Mr.
Pratik S Zende, for the Petitioners.

Mr. A C Bhadang, AGP for the Respondent - State.

CORAM: N. J. JAMADAR, J.

DATED : 10th JUNE 2026

ORAL ORDER:

1. Heard the learned Counsel for the parties.
2. The challenge in this petition is to an order dated 07th April, 2026 passed by the Tahsildar purportedly under Section 5 of the Mamlatdar's Courts Act, 1906 thereby directing the removal of the encroachment over the properties bearing Gat Nos. 157/3, 157/2/B and 157/1/B situated at Lakhangaon, Tq. Ambegaon, Dist. Pune, of which the petitioners are alleged to be in unlawful occupation. The aforesaid land was acquired by the State Government. It appears that, the land has been mutated in the name of the District Collector and Deputy Director, Rehabilitation.
3. Mr. Khadakban, the learned Counsel for the petitioner, submitted that, the petitioners have preferred a revision

application against the impugned order. The said revision application is subjudice before the Sub-Divisional Officer. In the meanwhile, on 27th May, 2026, the Circle Inspector has given a notice to take the forcible possession of the subject land today at 03:00 pm.

4. It was submitted that the Tahsildar could not have passed the impugned order by invoking the power under Section 5 of the Mamlatdar's Courts Act, 1906,

5. Since the petitioners have availed the statutory remedy by filing a revision before the Sub-Divisional Officer, there is no propriety in entertaining this Petition. Thus, it may be appropriate to direct Sub-Divisional Officer to decide the application for interim relief preferred in the said revision application expeditiously and, in the meanwhile, protect the petitioners for a limited period.

6. The Writ Petition stands disposed with a direction to the Sub-Divisional Officer, Manchar, Tq. Ambegaon (Respondent No. 7) to hear and decide the interim application in the revision preferred by the petitioners against the impugned order as expeditiously as possible and, preferably, within a period of three weeks from 15th June, 2026.

7. The parties shall appear before the Sub-Divisional Officer on 15th June, 2026.
8. In the meanwhile, no coercive action be taken against the petitioners, pursuant to the impugned order and the notice dated 27th May, 2026
9. Mr. Bhadang, the learned AGP is requested to inform this order to the concerned authorities immediately.

[N. J. JAMADAR, J.]