



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 2645 OF 2026

Gulam Mohd. Raj Mohammad, Mehkar, Dist. Buldhana and ors.

vs.

State of Maharashtra, Thr. Dist. Collector, Buldhana and ors.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri Ved R. Deshpande, Advocate for petitioners.

Shri A. V. Palshikar, Assistant Government Pleader, for respondent/State.

CORAM :- ANIL S. KILOR and RAJ D. WAKODE, JJ.

DATE :- 1st APRIL, 2026.

Heard.

The following are the prayers made in the present writ petition:

(i) restrain the Respondent no.2 Council from undertaking any construction/development activity on the property bearing Survey No.15 of Mouje Mehkar, admeasuring 0.62 HR out of total 1 H. 11 R., more particularly described in para 3 of the plaint in Reg. Civil Suit No.22/2026 pending before the Court of Ld.Civil Judge Senior Division, Mehkar;

(ii) further direct the respondent no.5 to grant police protection to the petitioners in order to secure their possession over the suit property and to restrain the respondent no.2 and its officials/agents from undertaking construction/development activity on the suit property in Reg. Civil Suit No.22/2026 pending before the Court of learned Civil Judge, Senior Division, Mehkar, in the interest of justice;

(iii) in the alternative, direct the learned Civil Judge, Senior Division, Mehkar to decide the application at Exh. 22, preferred by the petitioners under Section 151 of C.P.C. in Misc. Civil Application No. 34/2026 in an expeditious and time bound manner, in the interest of justice;

(iv) during the pendency of present petition, direct the respondent no.5 Authority to provide police protection to the petitioners on deposit of requisite fees, in order to secure effective implementation of the status-quo order dated 09.02.2026 passed by the learned Civil Judge Senior Division, Mehkar in Regular Civil Suit No.22/2026;

(v) grant ad-interim ex-parte reliefs in terms of prayer clause (iv) above;

(vi) allow the petition and grant any other relief which this Hon'ble Court deems fit and proper, in the facts and circumstances of the present case and in the interest of justice.

3. These are the prayers in the present petition in view of the fact that the petitioner approached the Civil Court by filing civil suit for declaration and permanent injunction. In the said suit, while passing the order below Exhibit-12, the learned Civil Judge, Senior Division, granted status quo till 26.02.2026 thereby directed the defendant Nos. 2, 3 and 4 not to obstruct/disturb possession of the plaintiffs over the suit property. It is pointed out that after 26.02.2026 the status quo was continued and now the matter is kept on 02.04.2026 i.e. tomorrow.

4. It is the case of the petitioner that there is complete non-compliance of the order of status-quo and therefore, an application under Section 151 of the Code of Civil Procedure, 1908 (CPC) was filed seeking prayer of not to disturb the possession of the petitioners and maintain status-quo.

5. It is the case of the petitioners that the learned trial Court instead of passing the order on the said application, adjourned the matter for hearing on 02.04.2026.

6. It is the case of the petitioners that as the status quo order granted by the trial Court has not been complied with by the respondents, the application under Section 151 of CPC seeking similar prayers was filed again to maintain the status quo and not to disturb the possession. The learned trial Court has rightly adjourned the matter by not passing any order on the said application as the order of status quo was already in operation.

7. Needless to mention that under the CPC there is a provision under Order IX Rule 2A which relates to consequence of disobedience or breach of order. The petitioners only know the best reasons for not moving such application.

8. In the circumstances, any order, even issuance of notice in this petition may cause prejudice to the parties to the suit or the trial Court may get influenced.

9. In the circumstances, we dismiss the writ petition. No costs.

(Raj D. Wakode, J.)

(Anil S. Kilor, J.)