

Order below Exh.34

Plaintiff has filed present application for 'Status quo' in respect of construction of bridge going on at the Jalna-Deulgaonraja National Highway No.753A.

2. Plaintiff submits that on the basis of complaint made by the plaintiff defendant nos.1 and 2, the appropriate directions were issued by defendant no.1 and 2 to contractors defendant nos.6 and 7 to expedite the construction work of the highway. Plaintiff further submits that during pendency of the litigation, the western side bridge construction is in progress and after the completion of said construction, from east to west water flowing from bridge may be entered in the land Gat No.312 owned by the plaintiff and due to which there will be damaged of the land and crops of the plaintiff may be damaged and during subjudice of present matter the construction work of disputed project is going on. In such circumstances, till decision of Exh.5 the order of 'status quo' may be granted against defendants.

3. Defendant Nos.4 & 5 filed their say vide Exh.35 and submitted that the application filed by the plaintiff vide Exh.34 is not tenable one. Defendant no.5 is government authority and doing their duties as per direction of the government. The Chikhli-Jalna highway is under the jurisdiction of the defendant no.5 and it is known as national highway. Defendant Nos.4 and 5 further submits that the order of Mamlatdar Court, Jalna is in existence and the plaintiff has not challenged the same before

appellate authority. Defendants further submit that as per Section 20-A of the Specific Relief Act, “the Civil Court have no jurisdiction to grant injunction against work of Infrastructure project.” Hence, application is not tenable and same may be rejected.

4. Peruse application and say.

5. Heard.

6. After perusal of subject matter of the present suit, prima facie it appears that the plaintiff is claiming injunction orders against the work going at Jalna-Deulgaonraja National Highway No.753A. It is not disputed that the said work going at Jalna-Deulgaonraja National Highway No.753A is an Infrastructure project. This fact is not denied by the plaintiff. After perusal of record prima facie it appears that the work which is going on at National Highway No.753A is a part and parcel of Infrastructure project. As per the “Schedule” of the amended Specific Relief Act, 2018, prima facie the nature of defendants work is come within category of Infrastructure project at serial no.1(a) category “transport” i.e. road, bridges.

7. As per Section 20-A(1) of the Amended Specific Relief Act, 2018- “ *No injunction shall be granted by a Court in a suit under this Act involving a contract relating to any Infrastructure project specified in the Schedule, where granting injunction would cause impediment or delay in the progress or completion of such Infrastructure project.*”

8. As per Section 41(ha) of the Amended Specific Relief Act, 2018- *“An injunction can not be granted if it would impede or delay the progress or completion of any Infrastructure project or interfere with the continued provision of relevant facility related thereto or services being the subject matter of such project.”*

9. Combined reading of the provisions of Section 20-A and Section 41(ha) of the Specific Relief Act clearly indicates that when there is work of Infrastructure project or services interlinked to such project then Civil Court have no jurisdiction to grant an injunction.

10. In a plaint as well as in present application, plaintiff has admitted that the work initiated by the state defendants is a part and parcel of national highway. In view of Specific bar according to Section 20-A read with Section 41(ha) of the Specific Relief Act, if injunction is granted to the plaintiff then it would cause impediment and cause delay in the progress and completion of such Infrastructure project. The object of Amended Specific Relief Act, 2018 is to prevent the impediment or delay in the progress of any Infrastructure project. The legislature has given wide import to Amended provisions for the interest of public welfare. Admittedly the work of bridge and road is part and parcel of Infrastructure project. In such circumstances at this juncture, it would not be just and proper to grant order of ‘Status quo’ against the defendants. Accordingly, order follows.

ORDER

1. Application Exh.34 is hereby rejected.
2. No order as to costs.

Date: 29.06.2024.

(Shri. D. S. Thorat)
Civil Judge (S.D.),
Jalna.

CERTIFICATE

I affirm that, the contents of this P.D.F. file are word to word as per original order.

Name of Stenographer : V. A. Dhone (Grade-III).
Name of Court : Civil Court, (S.D.) Jalna.
Date of PDF : 29.06.2024.

sd/-
Signature of stenographer