

	<p style="text-align: center;"><b><u>ORDER BELOW EXH.20 IN R.C.S. No. 621 / 2025</u></b> ( Satling Vs. Gundu ) CNR- MHLA140025372025</p>
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1. Defendants have filed the instant application for a temporary injunction to restrain the plaintiff from obstructing their possession over the area admeasuring 30 x 40 feet out of S.No.18 which is situated within the limit of village Sarani, Tq. Ausa.

**The case of defendants is as under :**

2. Defendants have filed their application for temporary injunction at Exh.No.20. According to them they have been constructing the house over 30 x 40 area out of the survey no. 18 which has been specifically describe in para no. 3 of the present application and same is allotted to them under Earthquake Rehabilitation Scheme in the year 1993. The same plot in owned by the Maharashtra Government. However, 8-A extract is not issued by Gram Panchayat. Since, the allotment they have been residing in aforesaid area in the capacity of the owner. They further, asserted that, ownership certificate in the name of plaintiff in respect of suit property is cancelled by the Government. Thus the plaintiff has no concern with construction of defendants. Moreover, the plaintiff has no locus standi to file the present suit.

3. They further contented that, they have been paying the government taxes in respect of allotted area and taken the light

connection there. They further specifically pleaded that with the previous permission of Gram Panchayat they have been constructing over the aforesaid 30 x 40 area out of the S.No. 18. Therefore, plaintiff has no concern with their allotted area. However, the plaintiff is trying to obstruct his possession over the allotted area 30 x 40 out of S.No.18. Hence, prayed to allow present application.

4. Plaintiff has filed his say at Exh.No.22 and resisted the application. He specifically pleaded that the defendants have moved present application for temporary injunction without any cause of action as well as without filing the counter claim. He further contended that the suit property is allotted to him by the government on 18.06.1987. Since then he has been in the possession of the suit property and residing there with his family. He further contended that the defendants have never put in the possession of 30 x 40 area out of S.No.18. Moreover, there is nothing on record which shows that the have been in the possession of aforesaid area. However, defendants are making the encroachment over the suit property by raising construction over it. Despite of his request they did not stop the construction. Hence, he prayed to reject the application with cost.

5. Perused application, record, and say filed by plaintiff. Perused the document on record. Heard learned advocate of the parties.

6. The following are points for determination along-with my findings thereon for the reason to follow:

Sr. No.	Points for Determination	Findings
1.	Whether the defendants have a prima-facie case?	No
2.	Whether the balance of convenience lie in favour of the defendants ?	No
3.	Whether the defendants would suffer irreparable loss if the application of temporary injunction is refused?	No
4.	What order?	As per final order.

### **REASONS**

7. The defendants have also produced on the record water tax receipts vide Exh.No. 17/1, light bill vide Exh. 17/2, photocopy of the letter dated 11.05.2016 at Exh.No.17/3, Special Gram Sabha report dated 06.05.2016 at Exh.No.17/4, beneficiary list, photocopy of the map of S.No. 18 vide Exh.No. 17/8, certificate issued by the Gram panchayat Sarani dated 08.07.2025, 7/12 extract of S.No. 18 vide Exh.17/10, photocopy report of Grampanchayat and Panchayat Samiti Officials dated 25.03.2025, affidavit of the witnesses vide Exh.No.26 and 30.

8. The plaintiff has produced documents in support of his case vide Exh.No.4 i.e. the original ownership certificate in respect of suit property issued by the Maharashtra Government on 18.06.1987, house tax and water receipts vide Exh.No.4/2 and 4/3, photographs, affidavit of neighbors vide Exh.No. 27, 28 and 29 and certified copy of RCS No.1033/2023.

9. It is admitted fact that, S.No.18 is owned by Maharashtra Government and defendant are constructing the house in the survey

no. 18 which is situated within the limit of village Sarani. It is admitted by the defendant that, plot allotment process is not yet completed.

10. The plaintiff has filed the application for the temporary injunction to restrain defendants from constructing over the suit property vide Exh.No.5. The said application is allowed on 15.11.2025. In the said application it is prima-facie held that there is no prima facie evidence on record to support the contention of the defendants that, 30x40 area out of survey no. 18 is allotted to them by Sarani Gram Panchayat and with the prior permission of Gram Panchayat they have been constructing the house there. So as, the defendants have failed to prove the allotment of aforesaid area then no question of possession and disturbance at the hands of plaintiff would be arise. Hence, the defendants have no prima facie case and thus, the rejection of the application would not cause any irreparable loss to them. Thus, considering this aspect, the defendants have failed to prove the necessary ingredients for the grant of temporary injunction and failed to prove points No.1 to 3. Hence, I answer points No.1 to 3 in negative and record my findings accordingly. To answer the point No.4, I pass the following order:

**ORDER**

1.	The application is rejected.
2.	Cost in cause.

Date: 20.11.2025  
Ausa

**(Shunhangi H. Nalawade)**  
3<sup>rd</sup> Jt. C. J. J. D, Ausa