



RCS No. 26/2025

Sujata and Ors Vs. Director of
National Highways and Ors
CNR No.MHLA170003222025

ORDER BELOW EXH. 10.

The plaintiff has filed the application as per provisions under Order XXXIX Rule 1 to 3 of the Code of Civil Procedure, 1973 for grant of ad-interim ex-parte injunction against defendants No. 1 and 2 on the grounds that plaintiffs are running business of Hotel in land Sy. No.191/B adm. 00 H 67 R. They are owners and possessors of the said land. Ancestor of plaintiff namely Anurath @ Aniruddh Shripati Pethkar got the share of the ancestral land in Sy.No.191/B adm. 00 H 97 R and he was the owner and possessor of the said land. There is AUSA – Tuljapur road passing from the said land. Therefore, the said land is divided in two parts. The Ujani – Bembali - Osmanabad (Dharashiv) road was passing from East – South part of the said land in the ‘U’ form. The Government of India in the year 2018-2019 acquired 30 R land which was in the name of Anurath @ Aniruddh Shripati Pethkar.

2. The compensation amount is received by plaintiffs after the death of Anurath @ Aniruddh Shripati Pethkar from the Government. The remaining land of 00 H 67 R is in possession of plaintiffs. Defendant No. 1 and 2 have fixed the boundaries of the National Highway and the suit land by rowing poll between the area of suit land and the National Highway. The Hotel and its parking area is away from

the said poll. There is 08 R land situated towards North - East side of the land of plaintiffs. The four boundaries of said 08 R land are as follows :-

Towards Eastern and Northern Side	–	Ujani – Bembali – Osmanabad (Dharashiv Road)
Towards Westers Side	–	Land of Dharmaraj Sagat
Towards Southern Side	–	National Highway.

The said 08 R land is the disputed land. There is no dispute regarding remainng 00 H 59 R land.

3. Plaintiffs have erected Hotel business in the said 08 R land. Thereafter, Talathi of Ujani objected for the business of said Hotel on the gound that the said land is not converted to N.A. land. Therefore, they cannot continue that hotel business. He further told plaintiffs to pay N.A. tax. Therefore, till today plaintiffs are giving N.A. tax to Government of Maharathstra every year. The Hotel of plaintiffs is the tea point. Therefore, buses of M.S.R.T.C. are stopping there. It is the authorized stop of M.S.R.T.C. Defendants No. 1 and 2 in collusion with other businessman issued notice to plaintiffs on 14-09-2024 that, they have encroached upon the land of National Highway. The reference of Collector of Osmanabad (Dharashiv) and police was given in the said notice. However, the land of plaintiff and disputed land comes under the jurisdiction of District Collector, Latur. Therefore, defendant No. 1 and 2 have no authority to issue such notice. It is the contention of

plaintiffs that no encroachment is caused by them on the land of National Highway. Hence, it is prayed by plaintiffs that ad-interim injunction be granted in favour of plaintiffs by restraining the defendant No. 1 and 2 from obstructing their possession over the disputed suit property.

4. Plaintiffs have produced 7/12 extract of disputed suit property at Sr.No.1, notice issued by defendant no.1 at Sr.No.2, tax receipts at Sr.No.3, photos along-with google location at Sr.No.4 with list Exh.4.

5. Heard the learned counsel for plaintiffs. Perused the record. Documents produced on record with list Exh.4 reveals that plaintiffs are owners and possessors of Sy.No.191/B. They are paying tax to the Government of Maharashtra regularly as per receipts produced on record at Sr.No.3 with list Exh.4. Photos along-with google location produced on record with list Exh.4, prima-facie shows that the paking of the hotel and hotel are situated away from the poll which is the boundary between highway and disputed suit land. There is apprehension to plaintiffs that defendants are likely to interfere and obstruct the possession of plaintiffs. Therefore, plaintiffs are entitled for ad-interim ex-parte injunction against defendants. Hence, I pass following order :-

ORDER

- 1] The application is allowed.
- 2] Ad-interim ex-parte injunction is granted in favour of the plaintiffs restraining defendants No. 1 and 2 from interfering or obstructing plaintiffs in the suit property bearing Sy.No.191/B in the 08 R land out of 00 H 67 R land situated towards North – West corner excluding acquired land till the decision of Exh.5.
- 3] Plaintiffs shall comply with the provisions of order XXXIX Rule 3 of the Code of Civil Procedure, 1973.

Sd/-

Date:-25.06.2025.

Place:- Ausa.

(P. I. Mokashi)
Civil Judge, Senior Division.
Ausa.