

ORDER BELOW EXH.NO.5 IN R. C. S. NO.27/2025

(Sanjay Vs. State and Others.)

(Passed on this **27th Day of February, 2026**)

CNRNO.MHLA170003292025

The plaintiff has filed application seeking interim injunction against defendant Nos.1 to 4 for restraining them from causing obstruction and interference in the Grampanchayat house property bearing No.196/A ad-measuring 150 square meter situated within the jurisdiction limits of Grampanchayat Ashiv, Tq. Ausa, Dist. Latur. Henceforth, known as suit property. It is more specifically described in para No.2 of the application.

2. It is submitted by the plaintiff that, the suit property is given to the plaintiff by defendant Nos.1 to 3 during the rehabilitation scheme after the earthquake in the year 1993. The plaintiff is in possession of the suit property since 1998. Defendant Nos.1 to 3 according to the rules and regulations of the Government have distributed house properties to the eligible persons in the village Ashiv. The plaintiff is one of the eligible person to get the house in rehabilitation scheme which is the suit property. The plaintiff received the suit property as per the directions of the Collector. Since then the plaintiff is in legal possession of the suit property. Defendant Nos.1 and 2 also gave their report that, the plaintiff is entitled to get the Kabala of the suit property.

3. The Guardian Minister of the Latur District had issued letter to defendant No.2 to hand over the suit property to defendant No.4. However, it was decided in the meeting of Grampanchayat that, the property bearing No.569-A be given to defendant No.4. Defendant No.4 is not concerned with suit property. However, by giving reference of the letter of the Guardian Minister Latur dated 07.04.2025 it is mentioned by defendant No.2 in his letter that, the suit property is encroached upon by the plaintiff. Defendant No.2 has acted against the plaintiff under pressure of the Guardian Minister of District Latur and defendants are trying to dispossess the plaintiff from the suit property, though he is in possession of the suit property since 1998. Therefore, it is prayed by the plaintiff that, defendant No.1 to 4 be temporarily restrained from causing any interference and obstructions in the suit property.

4. Defendant Nos. 1 and 2 failed to file their written statement within stipulated time. Hence, 'No WS' order passed against them. Defendant No. 3 failed to appear before the Court though summons is served upon him. Hence, 'Ex-parte order' passed against defendant No.3. Defendant No. 4 appeared before the Court and filed application (Exh.28) for setting aside 'No WS' order passed against him. The application is allowed subject to cost of Rs.500/-. However, defendant No. 4 failed to pay the cost amount. Hence, the

written statement filed by defendant No. 4 is not taken on record and 'No WS' order is continue against him. Therefore, defendant Nos. 1 to 4 failed to file their say to this application. Hence, 'No say' order passed against them.

5. Heard learned counsel for the plaintiff. Perused the record. The plaintiff has produced letter of Additional District Collector, Latur and resolution of proceeding at Sr.No.1, letter of District Collector Latur at Sr.No.2, letter issued by District Collector to Sarpanch of Grampanchayat Ashiv at Sr.No.3, resolution of Grampanchayat Ashiv at Sr.No.4, monthly resolution of Grampanchayat Ashiv At Sr.No.4, report of Circle Officer, Ujni to the Tahasildar at Sr.No.6, letter of Sarpanch and BDO to Tahasildar at Sr.No.7, letter of Sarpanch and BDO to SDO at Sr.No.8, letter of Additional Collector of rehabilitation to Tahasildar AUSA at Sr.No.9, letter of Tahasildar to Additional Collector and SDO at Sr.No.10, letter of SDO to Tahasildar Asua At Sr.No.11, letter of Sarpanch to Tahasildar and proceeding of monthly meeting dated 26.6.2017 at Sr.No.12, light bill of suit property at Sr. No.13, letter issued by Tahasildar to 4 persons at Sr.No.14, letter issued by Tahasildar to 4 persons and its copy issued to 7 persons at Sr. No.15, letter issued by Tahasildar to Development Officer panchayat samittee AUSA and Grampanchayat at Sr.No.16, Adharcard of plaintiff at Sr.No.17 with list Exh.4.

6. Perused the record. The resolution dated 19.03.2001 shows that, plaintiff is chosen as beneficiary to get house property in the rehabilitation scheme. The proceeding dated 26.03.2001 also *prima-facily* reveals that the plaintiff is one of the beneficiary in the rehabilitation scheme of village Ashiv Tq. Ausa. The letter issued by the Tahasildar by the Additional Collector, Latur dated 19.03.2001 also *prima-facily* reveals that, the plaintiff is the beneficiary of rehabilitation scheme. The resolution of Gramsabha dated 15.08.2007 shows that the name of plaintiff as the beneficiary.

The name of plaintiff is appearing in the monthly resolution of Grampanchayat Ashiv and he has been allotted the suit property. The letter issued by the BDO to Tahasildar dated 13.03.2023 reveals that, the arrangement to give Kabala to plaintiff and defendant No.4 regarding suit property and the property bearing No.A-569 to them respectively. It is clear from the letter issued by Tahasildar Ausa to Development Officer Ashiv and Grampanchayat Office Ausa dated 13.06.2025 as per the reference of Guardian Minister of Latur District the defendant No.4 be given possession of suit property by directing plaintiff to vacate the suit property.

7. The above said documents *prima-facily* reveals that, though plaintiff is given possession of suit property under rehabilitation scheme and though he is in possession of suit property since 1998, defendants are trying to dispossess

him from the suit property. Defendant No.4 though not the permanent resident of Ashiv, though he was not having any house in the village Ashiv he has been given benefit under the rehabilitation scheme. Therefore, it is *prima-facily* proved by the plaintiff that, the defendant Nos.1 to 4 are trying to illegally dispossess the plaintiff from the suit property. The balance of convenience goes in favour of the plaintiff. Irreparable loss will be cause to the plaintiff if the application is not allowed. Hence, the application filed by the plaintiff is liable to be allowed. Therefore, I pass following order:-

ORDER

1. The application is allowed.
2. Interim injunction is granted in favour of the plaintiff restraining defendant Nos.1 to 4 from causing any interference and obstruction in the suit property more specifically described in para No.2 of the application, till further order.

Date:-27.02.2026.
Place:- AUSA.

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