

**RCS No. 63 of 2020**  
**Harshil Ramanik Gala & ors.**  
**V/s.**  
**Lalita Santosh Adole & Ors.**  
**CNR NO.MHNS 230014182020**

**ORDER BELOW EXH. 20**

Heard Mr. J. N. Shinde, learned advocate for the plaintiffs and Mr. J. S. Rike, learned advocate for the defendant nos. 1 and 2. Perused entire record.

**02** This is a suit for declaration and perpetual injunction. Plaintiffs are claiming themselves to be the owners of plot no. 2, 4,5,6 and 7. According to them, their plot have been demarcated as non-agricultural land by order of Collector, Nashik. The authorities has approved layout as well which shows that 9 mtr. wide road it present for the front of plot no. 2 and it is to be used to reach plot not 6 and 7. However, defendant nos. 1 and 2 are carrying out illegal and unauthorized construction over that 9 mtr. wide road shown in approved layout. It is urged that if the construction is not restrained till next date, it may cause irreparable loss to the plaintiffs and will give rise to complications. To the contrary, the learned advocate for defendant no. 1 and 2 submitted that they have carried construction on plot no. 76 and have not encroached on 9 mtr. wide road as averred by plaintiffs.

**03** This court has seen the approved layout and it is true that 9 mtr. wide road is present in front of plot no. 2. This court has also seen photographs filed by plaintiffs which makes it clear that some construction is in progress. Wether it

is an illegal construction that too by encroaching 9 mtr. wide public road is a question of merit which can be decided on coming dates. However, if defendant no. 1 and 2 are not restrained, the construction may get completed which will certainly cause complications. The purpose of main application for temporary injunction may get frustrated if ongoing construction is not restrained. Hence, the court is convinced to pass following order.,

**ORDER**

1. The application Exh. 20 is allowed.
2. Defendant nos. 1 and 2 are hereby directed to maintain status-quo as on today till next date.

Dated: 26.10.2020

(P.P.Giri)  
Civil Judge(Jr.Dn.) Igatpuri