

ORDER BELOW EXH 18

The present application is filed by the Plaintiff, seeking an urgent ad-interim order of status quo against the Defendant, Gram Panchayat Kalamath, pending the hearing of the main application for Temporary Injunction.

2. Heard the Ld. Advocate for the Plaintiff. Perused the application (Exh. 18), the affidavit in support thereof, and the impugned notice dated 04/05/2026 issued by the Kankavli Police Station.

3. The brief factual matrix relevant to the present application is that the Plaintiff has instituted the present suit for perpetual injunction to protect the suit shop situated at Survey No. 69B/4, Kalamath, from coercive action by the Defendant. It is an admitted position on record that the application for Temporary Injunction is ripe for hearing, the Defendant has already appeared and filed their say, and the matter is fixed for arguments on 06/05/2026.

4. The Ld. Advocate for the Plaintiff vehemently argued that while the Court is actively seized of the matter, the Plaintiff was abruptly served with police notice today, i.e., on 04/05/2026 at about 1:30 p.m. The said notice categorically states that the Defendant Gram Panchayat intends to demolish the suit structure tomorrow, i.e., on 05/05/2026, under police protection.

5. Upon careful perusal of the said police notice, several glaring procedural and legal anomalies are apparent. Prima facie, the notice does not bear any outward number. Furthermore, the notice explicitly invokes Section 168 of the Bharatiya Nyaya Sanhita (BNS), 2023, which appears legally untenable in the context of preventing resistance to a demolition drive. As rightly submitted by the Ld. Counsel for the Plaintiff, even if it is construed as an error and read as Section 168 of the BNSS, the notice is

entirely silent on the foundational complaint, application, or order upon which the police machinery has formed its apprehension to justify such precipitative action on behalf of the Gram Panchayat.

6. I am mindful of the fact that the Defendant is already participating in the judicial proceedings and their say is on record. The act of scheduling a demolition drive with police protection just one day prior to the scheduled hearing of the Temporary Injunction application appears to be a blatant attempt to overreach the judicial process.

7. The fundamental objective of granting an ad-interim injunction or status quo is to preserve the corpus of the disputed property until the rival contentions are heard on merits. If the Defendant is permitted to proceed with the demolition on 05/05/2026, the very subject matter of the suit will be destroyed. Consequently, the hearing scheduled for 06/05/2026 will be rendered completely infructuous, causing irreparable loss to the Plaintiff which cannot be compensated in terms of money.

8. The balance of convenience tilts heavily in favour of the Plaintiff. Directing the parties to maintain status quo for merely two days will not cause any grave prejudice to the Defendant Gram Panchayat, whereas refusing the relief will result in the total destruction of the Plaintiff's alleged source of livelihood.

9. Therefore, to protect the dignity of the judicial process and to prevent the multiplicity of proceedings, it is imperative to invoke the inherent powers of this Court under Section 151 read with Order XXXIX Rules 1 and 2 of the Code of Civil Procedure, 1908. Hence, the following order is passed:

ORDER

1. Both the Plaintiff and the Defendant are directed to maintain strict Status Quo in respect of the suit property (i.e., the shop structure

situated at Survey No. 69B/4, Kalamath) as it exists today, till the next date of hearing.

2. The Defendant (Gram Panchayat, Kalamath), its officers, servants, agents, and any other authorities acting on their behalf are specifically restrained from taking any coercive action, including the demolition of the suit property, till 06/05/2026.
3. The Plaintiff is at liberty to communicate this order immediately to the concerned authorities, including the Kankavli Police Station, for necessary compliance and halting of the proposed action scheduled for 05/05/2026.

Kankavli
Date: 04/05/2026

(Shubham G. Laturiya)
Civil Judge J.D., Kankavli
JO Code: - MH03297