

ORDER BELOW APPLICATION EXH. 20

The plaintiffs filed the present application for staying the order dated 24/12/2025 passed by the Tahsildar contending that the Tahsildar, Malshiras has sought police protection for implementation of the order dated 24/12/2025 for preparation of the road and the said action is likely to be carried out on 12/03/2026. It is contended that if the road is constructed through the suit property, the crops will be damaged, trees may be cut and the well may be filled, which will cause irreparable loss to the plaintiffs and the very purpose of the suit will be defeated.

2. Defendant No.1 has filed say to the application at Exh. 26 and submitted that the present application is false and filed to mislead the Court. It is contended that defendant No.1 will abide by the orders of this Court and will not create the road until the order on Exh.5 is passed.

3. The present suit is filed by the plaintiffs seeking declaration that the order dated 24/12/2025 passed by the Tahsildar, Malshiras in Road Case No. 21/2022 under Section 143 of the Maharashtra Land Revenue Code is illegal and liable to be set aside. The plaintiffs have also sought perpetual injunction against the defendants.

4. In the present suit, the plaintiffs have filed an application at Exh.5 for temporary injunction. The said application has been heard and the matter is posted for order on 13/03/2026.

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5. On perusal of the record, it appears that the application at Exh.5 for temporary injunction has already been heard and the order is to be pronounced on 13/03/2026. The letter issued from the office of Tahsildar, Malshiras dated 24/02/2026 indicates that police protection may be provided for implementation of the order unless a stay order from the competent Court is produced.

6. In these circumstances, if the order of the Tahsildar is implemented before the decision on Exh.5, the subject matter of the suit may be altered and the plaintiffs may suffer irreparable loss. Therefore, it is just and proper to maintain status quo till the order on Exh.5 is passed.

Hence, the following order:

ORDER.

1. The implementation of the order dated 24/12/2025 passed by the Tahsildar, Malshiras in Road Case No. 21/2022 shall remain stayed till the final order on application Exh.5 in the present suit.
2. The concerned authorities shall take note of this order.
3. Put up for order on Exh.5 on 13/03/2026, as already scheduled.

Date:11/03/2026

(U.B.Pethe)

Place : Malshiras

Jt. Civil Judge, Junior Division,
Malshiras

