

Arun Balvant Mohite & others ..... **Plaintiff**  
v/s  
State of Maharashtra and another ..... **Defendants**

**Order below Exh. 5**

The plaintiffs have filed this application under Order 39 Rule 1,2 of Code of Civil Procedure for temporary injunction against defendant No. 1 to 4 restraining them from creating road in the land instead of the land acquired for the road.

2. Notice was issued to defendant No. 1 to 4. Notice was served. Defendant No. 1 and 3 have appeared. They have not filed say to this application. Advocate for defendants prayed for time to file written statement.

3. Advocate for the plaintiffs argued that the defendants have not filed written statement and say to this application. The defendants are creating road and causing damage to the suit property. He prayed to grant ad-interim temporary injunction againsts the defendants.

4. It is contentions of the plaintiff that the land in the suit properties was acquired in the year 2005 for the road. Thereafter, no steps were taken to construct the road. Now, the defendants No. 1 to 4 are constructing new road in the suit lands instead of the land acquired for the purpose of road. The defendants are going to disposses the plaintiffs from the the remaining land in the suit properties. If ad-interim relief is not given in favor of plaintiffs then the defendants will create new road and the plaintiffs will suffer irreparable loss.

5. Read the application, plaint and documents. It appears that lands No. 833, 834, 843, 873, 876, 877 and 880 are suit properties situated at village Umarkanchan Tal. Patan. Some of the area in these lands was acquired for the road in 2005. The final award in LAQ 4/SR/738/2000 was passed on 30/03/2005. In this suit the plaintiffs have not challenged the land acquisition procedure. They have taken objection to construct the road in the

remaining land in the suit properties, instead of constructing road in the acquired land. The plaintiffs have filed the maps at Exh. 3/8 and 3/9. In the map at Exh. 3/8 the land acquired for the road is shown. In the map at Exh. 3/9 there is formulation of plots in the acquired land. Thus the defendants are constructing new road in the remaining land in the suit properties. The plaintiffs have filed 7/12 extracts of suit properties with list at Exh. 16. There is no entry of acquisition of land on 7/12 extracts.

6. At this stage the defendants have not filed say to this application. But the considering the contention of the plaintiffs as well as the documents on record I think fit to grant ad-interim relief in favour of the plaintiffs to avoid further complications and multiplicity of the proceedings. Hence I pass the following order : -

**ORDER**

Defendants No. 1 to 4 are ordered to maintain statu quo in respect of the suit properties till next date.

Date :- 13.06.2019  
Karad

**P. A. Savadikar**  
Civil Judge Senior Division, Karad