

ORDER BELOW EXH. 21

The present application is filed by plaintiff seeking an order of status-quo during the pendency of the suit. It is contended that, suit property is subject matter of the present litigation and during the hearing and disposal of Exh.05 the defendants may alter the existing state of affairs and thereby prejudice the rights claimed by the plaintiff in the suit. Hence, plaintiff has prayed for an order directing the parties to maintain status-quo.

2. The learned AGP appeared and filed his say and prayed for rejection of application.

3. The learned advocate for plaintiffs submitted that the plaintiffs have no objection of the authorities carried out measurement of the suit property in accordance with law. However, his specific apprehension is regarding delivery of possession or dispossession pursuant to such measurement during the pendency of the suit. It is therefore, prayed that application may be allowed.

4. The learned AGP opposed the application and submitted that the application is misconceived. It is submitted that at present only measurement of the land is proposed to be carried out and no action regarding delivery of possession is contemplated. The learned AGP further submitted that any further action if required, shall be taken strictly in accordance with law and due procedure. Therefore, according to him no case for grant of status-quo is made out.

5. Upon consideration of both the rival submissions, it appears that plaintiffs principal grievance is not against measurement of the suit property but against any coercive action affecting possession during

pendency of the suit. The statement made by the learned AGP that only measurement is to be carried out and that possession shall be dealt with strictly in accordance with law assumes significance and the measurement of land by the competent authority is primarily an administrative act intending to ascertain the factual position on the spot. Such measurement by itself neither creates nor extinguishes rights of the parties. Therefore, there is no justification to restrain the authorities from carrying measurement in accordance with law.

6. At the same time, considering that the suit pertains to right in respect of suit property and that the matter is *sub judice* it would be appropriate to safeguard the subject matter of the suit so that no irreparable loss would be caused to the parties in view of the statement made by learned AGP and avoid any future controversies the application deserves to be partly allowed. Hence, following order is passed :-

ORDER

1. The application for status-quo is partly allowed.
2. The concerned Govt. authorities are at liberty to carry out the measurement of the suit property in accordance with the law.
3. The plaintiff shall co-operate with the process of the measurement and shall not obstruct the same.
4. Mere measurement shall not be construed as authorization of delivery of possession or dispossession of any party.
5. The defendant / concerned authorities shall not alter the existing possession of the suit property except by following due process of law.

6. It is clarify that this order shall not prevent the competent authority from taking any action permissible under law after following due procedure and if after giving due notice where ever required.

7. Observations made hereby are prima facie in nature and shall not influence the final adjudication of Exh.05.

Wai
Date: 16.06.2026

(K.S.Suryawanshi)
Civil Judge Senior Division, Wai
Dist-Satara.