



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CIVIL WRIT PETITION NO. 11207 OF 2022

President, Pune Housing Area and
Development Board & Ors.

..Petitioners

Versus

Arun Satvaji Jadhav & Ors.

..Respondents

Mr. P. G. Lad a/w. Shreya Shah for Petitioners.

Mr. Shriram S. Kulkarni i/b. Devidas J. Jadhav for Respondents.

Mr. S. H. Kankal, A.G.P. for State/Respondent No.82.

CORAM : SARANG V. KOTWAL, J.

DATE : 27 APRIL 2023

PC :

1. This writ petition is filed by the Petitioners challenging the order dated 19/01/2022 passed by Jt.Civil Judge, S.D. Baramati, below Exhibit-27 in R.C.S.No.434 of 2021. By the impugned order, the Petitioners' application for rejection of the plaint under O.7, Rule 11 (a) and (d) of the C.P.C. was rejected. The Petitioners were the original Defendant Nos.2 and 3. The suit was filed by the Respondent Nos.1 to 81 herein. The said suit was for declaration that the Resolution No.6811 dated 04/01/2019 passed by the Petitioners herein was illegal and the other relief was sought that, it was not binding on the Respondents herein. At



the earlier instance, vide order dated 15/06/2022, this Court (Coram: Rohit B. Deo, J.) had issued notice for final disposal of this petition to the Respondents. The other directions were issued that, till the next date of hearing, learned Trial Judge was requested not to proceed with the suit. That particular direction continues till today.

2. Learned counsel for the contesting Respondent Nos.1 to 81 submitted that they are in possession since the year 2011. He submitted that, they cannot be dispossessed without following due process of law. He submitted that, because of the stay granted the suit is not proceeding further. The application filed vide Exhibit-5 for the interim relief is also not being heard because of the directions issued by this Court on 15/06/2022.

3. Learned counsel appearing for the Petitioners today states that the Respondent No.82 i.e. the Government of Maharashtra has taken over the land allotted to the Petitioners, which is the suit property, by the G.R. dated 10/06/2022 allotted it further the Government Ayurvedic College. In view of this



statement, it is necessary that at least the application Exhibit-5 for interim relief which is already filed by the Respondent Nos.1 to 81 herein is decided on merits by the Trial Court at the earliest.

4. Hence, the following order:

O R D E R

- i) The order dated 15/06/2022 is modified to the extent that, till the next date of hearing before this Court of this writ petition, the Trial Court may not proceed with the suit except for deciding the application filed at Exhibit-5 for the interim relief.
- ii) The Respondent Nos.1 to 81 herein are at liberty to file additional documents in support of their application filed at Exhibit-5 along with additional affidavits and to amend the said application, as well.
- iii) Learned Trial Judge is further requested to decide the said application as expeditiously as possible.
- iv) The Writ Petition be listed for further consideration on 23/08/2023.

(SARANG V. KOTWAL, J.)