



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 5615 OF 2026

Anil Nirmalchand Oswal And Another
VERSUS
Janardhan P Kachru Bansode And Others

Mr. Sanjeev Deshpande i/b Swapnil Joshi h/f Mr. Shreyas Deshpande,
Advocate for petitioners
Mr. S. N. Morampalle, AGP for respondent-State

**CORAM : AJIT B. KADETHANKAR, J.
(VACATION COURT)**

DATE : 5th JUNE, 2026

PER COURT :-

1. Vide order passed by Additional Chief Secretary (Revenue & Forest Department) of the State of Maharashtra, the petitioners have approached this Court vide present writ petition.
2. Mr. Sanjeeva Deshpande, learned Senior Advocate i/b Swapnil Joshi, learned advocate h/f Shreyas Deshpande, learned advocate submits that a Regular Civil Suit No.05 of 2016 is pending between the parties for adjudication of their civil rights. An order passed in the civil suit is under adjudication before this Court vide Writ Petition No. 7833 of 2024.
3. It is further submitted that, the dispute as regards to the mutation record of the suit properties has reached to the State authorities under the provisions of Maharashtra Land Revenue Code in a challenge to an order dated 20-01-2026 passed by the Additional Divisional Commissioner No.2, Chhatrapati Sambhajnagar rejecting a Stay

application. In the said application, stay was sought to an order dated 31-12-2025 passed by the Additional Collector, Chhatrapati Sambhajinagar.

4. Vide the impugned order dated 19-05-2026, the State Authority confirmed the order dated 20.01.2026 passed by Additional Divisional Commissioner No. 2 Chhatrapati Sambhajinagar on Stay Application; and directed the Additional Commissioner to decide the main Revision Application pending before it within a period of three months as per the legal provisions and by affording appropriate opportunity of hearing to the concerned parties.

5. Mr. Deshpande, learned Senior Advocate demonstrates his serious objection to the Clause 4 of the impugned order dated 19-05-2026. It pointed out that while passing the order, the State Authority in as much issued injunction order thereby directing not to create any third party interest in respect of subject matter property till the final disposal of the Writ Petition No. 7833 of 2024 by this Court.

6. It is submitted that it is trite law that the Revenue Authorities cannot exercise the powers and jurisdiction of the Civil Courts. Mr. Deshpande would further submit that grant of any order including a prohibitory order, in respect of Civil Rights of the parties is strictly within the jurisdiction of a Civil Court. That, while a civil dispute is pending before a competent Civil Court, its only the Civil Court or the superior courts can pass any order in respect of the Civil rights of the parties. Seeking stay to the directions at Clause 4 of the impugned order, it is

argued that the State Apparently exercised such jurisdiction which is not vested into it.

7. Mr. S.N. Morampalle, learned Assistant Government Pleader seeks time to take instruction and to file reply affidavit. He would however submit that the State Authority has applied its mind in rejecting the appeal/petition, and directing disposal of the revision petition within a stipulated time.

8. I have gone through the annexures attached to the petition. It appears that in respect of some order passed in the civil suit pending between the parties, Writ Petition No. 7833 of 2024 is pending in this Court. Passing any prohibitory order as regards to the suit properties is within the domain of this Court and the Civil court if a case is made out, and if felt necessary in the interest of justice. Vide Clause No. 4 of the impugned order the State Authority has *prima facie* exercised such jurisdiction which is not vested into it; and has issued injunction in respect of the subject matter property.

9. I find that a *prima facie* case is made out by the Petitioner for interference, and for interim relief so far as Clause 4 of the impugned order is concerned.

10. Issue notice to respondents returnable on 03.07.2026. Learned Assistant Government Pleader waives service of notice for respondent Nos. 9 to 15. Petitioner may serve other respondents by permissible

mode of private service.

11. Till the returnable date, clause No. 4 of the impugned order shall remain in abeyance.

12. Stand over to 03.07.2026.

(AJIT B. KADETHANKAR, J.)

B.S.Joshi