

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

12 WRIT PETITION NO.12981 OF 2022

DAMODHAR DADARAO BOKADE AND ANOTHER
VERSUS
RAM NARSU GORE DIED THROUGH LRS ANUSAYA RAM GORE
AND OTHERS

...

Advocate for Petitioners:

Mr. Shrikant J. Patil h/f. Mr. Deshmukh Mahesh S.

AGP for Respondent/State: Mr. G. O. Wattamwar

Advocate for Respondent Nos.1/1 to 1/6:

Mr. Avinash A. Kharde h/f. Mr. G. V. Sukale

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CORAM: ARUN R. PEDNEKER, J.

DATE: 19th DECEMBER, 2022

PER COURT:

1. Heard the learned counsel for the petitioners.

2. The learned counsel for the petitioners submits that in the earlier round of litigation between the parties, this court has specifically held that the Ramgir Maharaj Math Sansthan, Wasangaon is not a public trust and thus contends that the revenue authorities or the authorities constituted under the Hyderabad Atiyat Inquiries

Act, 1952 should not have rendered any finding contrary to the high court judgment.

3. The learned counsel for the respondents submits that he would seek instructions, if there is any appeal preferred against the High Court judgment dated 21.08.2017 in First Appeal No.3032 of 2016. He also contends that there is a distinction between the trust and the property that could have been declared for the benefit of public trust. He also submits that the interim order has been stayed by the Maharashtra Revenue Tribunal itself for the period of 60 days from 18.11.2022 and, thus, submits that no further interim relief be granted within that period.

4. List this matter for consideration on 12.01.2023. This matter will be taken up for interim relief on that day, as the stay granted by the Maharashtra Revenue Tribunal, Aurangabad would expire by that time. For any reason, if the matter is not taken up, then the interim relief granted by the Maharashtra Revenue Tribunal dated

18.11.2022 would be extended till the date the matter is called out.

5. Issue notice to the respondents, returnable on 12.01.2023. Mr. Avinash A. Kharde holding for Mr. G. V. Sukale, learned counsel waives service of notice on behalf of respondent nos.1/1 to 1/6 and the learned AGP waives service of notice on behalf of respondent nos.10 to 12.

6. The learned counsel for the petitioners may additionally serve respondent nos.2 to 9 through GPA holder - Santosh Anand Kadam. Service by private mode / R.P.A.D. is also permitted.

[ARUN R. PEDNEKER, J.]

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