

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

WRIT PETITION NO. 634 OF 2015

Shaikh Musa Shaikh Isa Qureshi. ...PETITIONER.

Versus

The State of Maharashtra
and Others. ... RESPONDENT.

...

Mr. A.R. Syed, Advocate H/f. Mr. Shailesh P. Brahme, Advocate
for the Petitioner.
Mrs. M.A. Deshpande, A.G.P. for State.

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**CORAM : R.M. BORDE &
P.R.BORA, JJ.**
DATE : 15.06.2015

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PER COURT:-

1] The Petitioner is praying for issuance of directions to the Respondents to take effective steps to remove encroachment over the property belonging to the Government situate at Qureshi Mohalla, Nandurbar and to remove the tamarind tree situate in the said Mohalla. The Petitioner on earlier occasion had approached Civil Court for securing the same relief, by presenting Regular Civil Suit No. 119/1998. The suit presented by the Petitioner was partly allowed and appeal, challenging the decision rendered by the Civil Court has been allowed by first appellate Court and the Judgment and Decree passed by the Trial Court has been set aside. The Petitioner

presented Second Appeal, taking exception to the Judgment and Decree passed by the Appellate Court. However, the Second Appeal is stated to be pending consideration in the High Court.

2) In view of pendency of the substantial dispute in the form of Second Appeal, in the High Court, the instant Writ Petition does not deserve consideration, in exercise of extraordinary jurisdiction under article 227 of the Constitution of India, so also no case is made out for causing interference in the Writ Petition. The Writ Petition stands rejected.

3) It is clarified that, we have not expressed any opinion as regards the merits of the contentions raised in the matter.

[P.R.BORA, J.]

[R.M.BORDE, J.]