

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

12 WRIT PETITION NO.5880 OF 2015

SHAIKH NAFIS SHAIKH NAIM
VERSUS
STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr. Agrawal Pavankumar S.
Mrs. MA Deshpande, AGP for Respondents: 1 to 4.

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

DATE : 18th JUNE, 2015.

PER COURT :

1) Heard. The petitioner is making grievance in respect of encroachment on cart road passing through land Survey Nos. 133, 134, 135 and 136, situated at Hingoli, Tq. And District Hingoli.

2) According to the petitioner, the cart road, passing through the survey numbers referred to above, is not in existence since there are encroachments raised over it and, therefore, the whole access is blocked. The petitioner has approached the Municipal authorities as well as revenue authorities for removal of the encroachment raised on the cart road, however, he has been informed by the Municipal authorities that since there is no evidence to demonstrate existence of cart road or government land, as canvassed by the petitioner. Since civil

rights of the petitioner are affected, it would be open for him to avail of alternate remedy available in law and claim the relief, as set out in the present petition. In exercise of extra-ordinary writ jurisdiction under Article 226 of the Constitution of India, no interference is called for. In this view of the matter, the petition is disposed of with liberty to the petitioner to avail of remedy available in law.

(P.R.BORA)
JUDGE

(R.M.BORDE)
JUDGE

bdv/