

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(1) WP NO.7235/2015

972 WRIT PETITION NO. 7235 OF 2015

NARAYAN KISHAN MUTTELU
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr.Godhamgaonkar A.G.
AGP for Respondent State: Mrs. A.V.Gondhalekar

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CORAM : R. M. BORDE & P.R. BORA, JJ.
Dated: July 17, 2015

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PER COURT :-

1. The petitioner is seeking directions against respondents prohibiting them from interfering, cancelling or revoking the allotment of plot No.1 in the name of the petitioner. The petitioner is also seeking a further restraint order against the respondents, not to interfere and obstruct the use and enjoyment of the petitioner of Plot No.1, referred in the petition.

2. In paragraph no.9 of the petition it is alleged that respondent no.4 is an influential person and he is exerting pressure on respondent no.1 for dispossession of the petitioner. The petitioner contends that he has been validly allotted Plot under Kabala long back. It is not a matter of dispute that a suit was presented in the Civil Court, claiming an order of injunction against respondent no.4. Ultimately decision of the Civil Court turned out to be against the petitioner and Second Appeal bearing No.1333/2004 presented by the petitioner has also been dismissed

agp/-

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(2)

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on 20th November, 2008, confirming the judgment and decree of the suit presented by the plaintiff.

3. The nature of litigation is essentially of a civil character and for redressal of the grievances of the petitioner an alternate remedy is available. The petitioner places reliance on the judgment in the matter of **Mohd.Hanif Vs. The State of Assam (1969 (2) SCC 782)**. In the reported matter, an order passed by the Government of resumption was challenged by the appellant before the Supreme Court in a writ petition presented in Assam High Court under Article 226 of the Constitution of India and, as such, the proceedings arising out of the order passed by the High Court were entertained by the Supreme Court in a Civil Appeal. In the instant matter, the petitioner apprehends issuance of an order by the State authority and no such order as yet been issued. The petitioner has approached this Court merely on the basis of apprehension of his dispossession at the instance of respondent no.4 and other respondents.

4. As has been recorded earlier, in view of availability of alternate remedy for redressal of the grievances of the writ petitioner, the present writ petition does not deserve any consideration. The writ petition as such stands dismissed.

(P.R. BORA, J.)

(R. M. BORDE, J.)

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