

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.6219 OF 2015

Abdul Gaffar S/o Abdul Jabbar

-vs-

State of Maharashtra, Through Collector, Buldhana and others

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. P. S. Kshirsagar, counsel for the petitioner.
Ms M.Deshmukh, AGP for the respondent Nos.1 and 2.

CORAM : SMT. VASANTI A. NAIK &
PRASANNA. B. VARALE, JJ.

DATE : 17.11.2015.

By this petition, the petitioner seeks a stay of the impugned notices, issued by the Tahsildar and the respondent No.3 Chief Officer, Municipal Council, Shegaon until the decision on the application of the petitioner for temporary injunction in Regular Civil Suit No.156 of 2015 is rendered.

According to the petitioner, though the petitioner has filed civil suit bearing Regular Civil Suit No.156 of 2015 before the Civil Judge, Senior Division, Khamgaon and the matter is fixed for hearing on the application for temporary injunction on 19/11/2015, the respondents are highhandedly trying to demolish the shop of the petitioner without following the due process of law.

We are afraid, the relief sought by the petitioner cannot be granted, in exercise of the writ jurisdiction. If the temporary injunction application of the petitioner was pending before the Civil Court and if the respondents were trying to demolish the structure of the petitioner, the petitioner ought to have immediately rushed to the Civil Court seeking appropriate relief by taking the matter on board. A party cannot be permitted to

approach this Court as a stop gap arrangement for seeking temporary relief till the relief is actually granted by the Civil Court.

In the aforesaid circumstances, the writ petition is dismissed with no order as to costs.

JUDGE

JUDGE

KHUNTE