

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
APPELLATE SIDE
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 4109 OF 2015
Vasanta Udaram Bawankar & Ors. Vs. Ukandrao Balaji Vyawhare & Ors.

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

Court's or Judge's Order

Shri K. S. Dhote Adv for petitioners.
Shri N. S. Rao AGP for respondent nos. 4, 5 & 7.

**CORAM: SMT. VASANTI A. NAIK &
A. S. CHANDURKAR JJ.**

DATED: 29 JANUARY, 2016.

By this writ petition, the petitioners seek a direction to the respondent authorities take action on the report of the Deputy Superintendent of Land Records and decide the same. The petitioner has sought a stay to the proceedings in Regular Civil Suit No. 56 of 2015.

We are afraid that the prayers made by the petitioners in the instant petition cannot be granted in exercise of the writ jurisdiction. The respondent no. 1 has filed a Regular Civil Suit against the petitioners for declaration, permanent injunction, removal of encroachment and possession. There is a serious dispute in regard to the common dhura/boundary between the

fields of the petitioners and the respondent no.1. The Civil suit is pending. It is the case of the respondent no.1 that the petitioners have encroached upon the field of the respondents. In the circumstances of the case, neither can the direction be issued against the respondent authorities as sought, nor can the civil suit be stayed.

The writ petition is dismissed with no order as to costs.

JUDGE

JUDGE

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