

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

Writ Petition No. 00278 of 2006

District : Nanded

Baburao s/o. Gangaram Gaikwad,
Age : 65 years,
Occupation : Business &
Social Worker,
R/o. Dr. Ambedkar Nagar,
Nanded.

.. Petitioner.

versus

1. The State of Maharashtra,
through the Collector,
Nanded,
District Nanded.

2. The Commissioner,
Nanded Waghala City
Municipal Corporation,
Nanded.

3. Mathura w/o. Kishan
Alabadwar,
Age : Major,
Occupation : Household,
Shivaji Nagar, Nanded.

.. Respondents.

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*Mr. D.S. Ladda, Advocate, holding for
Mr. S.L. Jondhale, Advocate, for the petitioner.*

*Mr. S.B. Yawalkar, Addl. Government Pleader,
for respondent no.01.*

*Mr. M.D. Narwadkar, Advocate, holding for
Mr. M.V. Deshpande, Advocate, for respondent no.02.*

Mr. R.K. Ingole, Advocate, for respondent no.03.

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**CORAM : R.M. BORDE &
SMT. VIBHA KANKANWADI, JJ.**

DATE : 08TH DECEMBER 2017

ORAL ORDER [Per R.M. Borde, J.] :

01. Mr. D.S. Ladda, learned Counsel holding for Mr. S.L. Jondhale, learned Counsel for the petitioner, informs on instructions, that the writ petitioner is no more.

02. The petitioner in the petition makes a grievance in respect of encroachment allegedly carried by respondent no.03 on public road. It appears from the record, that during the lifetime of the petitioner, he presented a suit claiming mandatory injunction against the Municipal Corporation, mandating removal of encroachment. The application tendered in the suit claiming interim injunction came to be rejected. So also, the Misc. Civil Appeal challenging the said order has also been dismissed. Ultimately, the suit came to be withdrawn by the deceased petitioner unconditionally.

03. In view of the dismissal of the suit presented by the deceased petitioner, instant petition raising the grievance, in respect of interlocutory order, need not be entertained in exercise of extraordinary jurisdiction of this Court under Article 226 of the Constitution of India.

04. The writ petition, as such, is not entertained and is disposed of. Rule discharged. There shall be no order as to costs.

(Smt. Vibha Kankanwadi)
JUDGE

(R.M. Borde)
JUDGE

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