

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

WRIT PETITION NO. 2964 OF 2017

Himmatsingh Prakashsingh Sisodiya ... Petitioner

VERSUS

The State of Maharashtra & Ors. ... Respondents

.....
Mr P. B. Patil, Advocate for the petitioner
Mr A. S. Shinde, AGP for respondent/State
.....

**CORAM : S. V. GANGAPURWALA &
A. M. DHAVAL, JJ.**

DATE : 20TH FEBRUARY, 2018.

ORDER:

1. The petitioner seeks removal of encroachment.
2. The respondent-Naib Tahsildar has filed affidavit stating that the Civil Judge Senior Division, Yawal has passed an order of injunction in RCS No. 35/2014 and because of the order of injunction, the respondents are not in a position to take further action for removal of encroachment. It is further stated that, the respondent authorities would defend their case before the learned Civil Judge Senior Division, Yawal and further action will be proposed as per the outcome of judicial proceedings.

2. It is expected of the respondents authorities to defend the matter in RCS No. 35/2014 and in case the order of injunction is vacated, the respondent-authorities to take further steps for removal of encroachment in accordance with law.

3. With these observations, the writ petition is disposed of.
No costs.

[A. M. DHAVALA]

JUDGE

[S. V. GANGAPURWALA]

JUDGE

Punde