

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 7410 OF 2016

Manjitkaur w/o Balwantsingh Chawala

Petitioner

Versus

The State of Maharashtra
& others

Respondents

Mr. B.D. Deshmukh, advocate for petitioner.

Mr. P.N. Kutti, A.G.P. for respondent 1 and 4.

Mr. S.P. Urgunde, advocate for respondent no. 2.

CORAM : R.M.BORDE &

K.K. SONAWANE, JJ.

DATE : 22nd FEBRUARY, 2018

PER COURT:

1. Petitioner is praying for issuance of directions to respondents to remove the encroachment allegedly made by respondent no. 2.

2. Petitioner is the immediate neighbour of respondent no. 2. He has already presented suit bearing Regular Civil Suit No. 403/2014 claiming decree of perpetual injunction against respondent / original defendant restraining him from making further construction over City Survey No. 2620 and 2628 more particularly constructing and blocking the access passing from Sony's house to the Gurudwara Road Gate No. 1 and besides Jamuna Building, till disposal of the suit.

3. Since the subject matter before this Court is already a matter in issue in a suit presented by the petitioner before the Court of Civil Judge, Senior Division, Nanded, instant petition need

not be entertained. Apart from this, petitioner has suppressed the fact of presentation of suit by him in the civil Court. Thus, the petitioner is not entitled to claim any relief. The petition is devoid of substance hence stands rejected. It would be open for the petitioner to pursue the remedy already availed by him.

K. K. SONAWANE
JUDGE

R.M.BORDE
JUDGE

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