

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

912 WRIT PETITION NO. 11266 OF 2018

CHANDABAI LALSINGH PARMAR AND OTHERS
VERSUS
SARDAR TAHELSINGH HACHMANSINGH SHADU AND OTHERS

...

Advocate for Petitioners : Mr. Mukhedkar Amit A.
GP for Respondents/State : Mr. A.B. Girase

...

**CORAM : R.M. BORDE &
MANGESH S. PATIL, JJ.**
DATE : 09.10.2018

PC. :-

The petitioners have approached this Court seeking a direction to the respondents to remove the illegal encroachment carried out by the respondent nos. 1 and 2 on the property belonging to the petitioners. It is contended that the construction carried out and being carried out by the concerned-respondents is in violation of the permission accorded by the Municipal Corporation.

2. The petitioners have presented a suit bearing Special Civil Suit No. 60 of 2017 claiming a decree of perpetual injunction restraining the defendants from causing any sort of obstruction and interference in peaceful possession and enjoyment of the plaintiffs over the property and for demarcation of area of the property and for restraining the defendants who

are the respondent nos.1 and 2 herein from making any sort of construction or development work over the property in question. The petitioners have also prayed for a declaration that the sale-deed executed by defendant no.2 in the said suit i.e. respondent no.2 herein in favour of the respondent no.1 herein be declared as illegal, bogus and without lawful possession. The suit is stated to be pending. It is informed that there is an interim injunction granted by the Civil Court which is still in force. The petitioners are stated to have presented an application for taking action against respondent nos.1 and 2 for violating the order of injunction.

3. Since the petitioners have already availed of the remedy available in law and since the dispute raised in the instant petition is a private dispute between the petitioners and the respondent nos.1 and 2, in exercise of extraordinary jurisdiction under Article 226 of the Constitution of India no interference is called for. The writ petition is devoid of substance and stands rejected.

[MANGESH S. PATIL, J.]

[R.M. BORDE, J.]