

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

WRIT PETITION NO. 8634 OF 2018

Yohan Devidas @ Devid Gaikwad .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri P. S. Pawar, Advocate for the Petitioner.

Shri S. P. Tiwari, A.G.P. for Respondent Nos. 1 to 4.

Shri Avinash N. Patil, Advocate h/f Shri S. S. Chapalgaonkar,
Advocate for the Respondent No. 5.

**CORAM : S. V. GANGAPURWALA AND
A. M. DHAVALA, JJ.**

DATE : 29TH APRIL, 2019.

ORDER :

. The matter had came up on 22.03.2019. On the said date none appeared for the petitioner. We had adjourned the matter to 29th April, 2019.

2. The learned advocate for the respondent submits that, father of the petitioner Devidas had filed Writ Petition No. 8175 of 2016 seeking same relief. This Court under order dated 10th August, 2016 dismissed the writ petition.

3. The Division Bench of this Court in Writ Petition No. 8175

of 2016 under order dated 10th August, 2016 had passed following order.

1. Petitioner is praying for issuance of directions to respondents in respect of allotment and protection of the property in dispute. It is not a matter of controversy that the suit was presented by the contesting respondent being Regular Civil Suit No. 254/2004 against petitioner herein for restraining them from causing obstruction in the peaceful possession. The suit came to be decreed by the trial Court. The issue before the trial Court was in respect of title of the complainant / respondent herein referable to the suit property and her entitlement to claim recovery of possession After decision in the suit, the appeal presented by petitioner being Regular Civil Appeal no. 16/2008 has been dismissed by the First Appellate court on 03.05.2016. It also transpires that second appeal presented to this Court being Second Appeal no. 476/2016 has also been dismissed.

2. In this view of the matter, since the issues raised have been adjudicated before the Civil Court, no interference in exercise of extra ordinary jurisdiction under Article

226 of the Constitution of India is called for. Writ petition is devoid of substance hence stands rejected .

4. In the light of the above, the present writ petition also stands dismissed. No costs.

[A. M. DHAVAL, J.]

[S. V. GANGAPURWALA, J.]

bsb / April 19