

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

1012 WRIT PETITION NO.14284 OF 2018

VISHVJIT PANDITRAO DESHMUKH AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Mr. S.G.Munde, Advocate for Petitioners.
Mr. P.S.Patil, Addl. GP for Respondents-State.
Mr. V.S.Panpatte, Advocate for Respondent No.6.

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**CORAM : S.V. GANGAPURWALA AND
MANGESH S. PATIL, JJ.**

DATE : 14th June, 2019

PER COURT :-

1. Mr. Munde, the learned counsel submits that encroachment has been made by the Respondents in their property. Direction is sought to remove them. The learned counsel submits that as the encroachment is at the hands of the respondents, this Court can issue writ directing the respondents to remove the encroachment.

2. The petitioners seek to invoke the jurisdiction under Article 226 of the Constitution of India for removal of the encroachment on his private land. The petitioners have a remedy before the Civil Court under the provisions of the

Specific Relief Act.

3. It is not the case that the encroachment is made on the public road or on the public place or the land reserved for public purpose. The encroachment is alleged on the private plot of the petitioners. In light of that, we are not inclined to exercise our writ jurisdiction. The petitioners may take steps before the appropriate forum.

4. Writ Petition is dismissed. No costs.

(MANGESH S. PATIL, J.)

(S.V. GANGAPURWALA, J.)

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vmk/-