

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.1567 OF 2019

Dattaram Jayram Shinde

...Petitioner

Versus

State of Maharashtra & ors.

...Respondents

Mr.G.M. Mohite for the petitioner.

Mr.P.P. More, AGP for the respondent – State.

**CORAM : R.M. BORDE AND
PUSHPA V. GANEDIWALA, JJ.**

DATE : 21st FEBRUARY 2019.

P.C. :

1. The petitioner claims his entitlement in relation to the property which is said to have been encroached upon by respondent no.6. The petitioner is also stated to have filed the suit in the Civil Court claiming the appropriate relief against respondent no.6. The petitioner contends that respondent no.6 has carried out illegal construction in violation of the construction permission and NA permission and as such appropriate direction be issued to the respondents-authority to take steps in that regard.

2. Since the petitioner has already moved the Civil Court for relief, and as has been pointed out by the petitioner in the petition that an order of interim injunction has also been issued in his favour, and it appears to have been violated, instead of filing proceedings in accordance with provisions of law before the Civil Court, the petitioner has chosen to file instant petition. The presentation of instant petition is an abuse of process of Court, and the Court's power in exercise of its extraordinary jurisdiction under Article 226 of the Constitution of India, need not be invoked. Writ Petition is, accordingly, rejected.

[PUSHPA V. GANEDIWALA, J.]

[R.M. BORDE, J.]