

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

WRIT PETITION NO. 1020 OF 2020

Meghmala Rachappa Rukare

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Mr. B. R. Kedar h/f Umakant P. Giri, Advocate for Petitioner.

Mr. S. P. Tiwari, AGP for Respondents-State.

Mr. S. P. Urgunde, Advocate for Respondent No. 2.

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

DATED : 16th JANUARY, 2020.

PER COURT:-

. In the morning session we had heard Mr. Giri, learned counsel for the petitioner. After hearing for some time the matter was kept back on his request.

2. In the afternoon session Mr. Kedar, learned counsel makes submission.

3. As far as prayer Clause (B) is concerned, according to the petitioner, order of injunction is already granted against the respondents by the Civil Court. According to the petitioner, the respondents have indulged in illegal act of violating the injunction

order and in demolishing the compound wall. The petitioner has a remedy, if the order of injunction is violated to approach the Civil Court. The petitioner can also claim relief with regard to the mandatory injunction or otherwise.

4. Another relief claimed is about enquiry to be made against the respondent Nos. 2 to 8. If the Civil Court draws a conclusion that action of respondent Nos. 2 to 8 is illegal, then only it will be open for the petitioner to claim the relief. Considering the said aspect, relief claimed in the present writ petition would be premature at this stage.

5. If the petitioner approaches the Civil Court and the Civil Court arrives at conclusion that, the action of respondent Nos. 2 to 8 is illegal, then the petitioner may move this Court with regard to the prayer of enquiry against the erring officers.

6. With these observations, writ petition is disposed of. No costs.

(MANGESH S. PATIL)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

PS.B.