

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

18 WRIT PETITION NO.2399 OF 2020

MALANBAI ANANDA BHINGARDIVE
VERSUS
THE CHIEF EXECUTIVE OFFICER CANONMENT BOARD BINGAR

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Advocate for Petitioners : Markad Dattraya R.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: March 16, 2020

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PER COURT :-

1. The petitioner / plaintiff in RCS No.204 of 2017 is aggrieved by the order dated 5.11.2019, by which, her application Exhibit 49 for issuing summons to Shri K.M.Dongre, Project Branch Engineer (Technical), has been rejected.

2. I have considered the strenuous submissions of the learned Advocate for the petitioner / plaintiff and have gone through the petition paper book with his assistance.

3. The only reason why the petitioner desires issuance of summons to the PWD Engineer is as regards the construction permission granted by him to a particular area of a Buddha Vihar. The trial Court has recorded that the relevant documents pertaining to the construction permission, being public documents, have already

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2- WRIT PETITION NO.2399 OF 2020

been produced on record. As such, the petitioner will have to prove her case that the construction is by way of an encroachment on her land and her eastern side door is blocked by the construction. This can be considered by the trial Court on the basis of the documents available and the evidence which the plaintiff will have to lead to establish obstruction.

4. In view of the above, I do not find that the impugned order could be branded as being perverse or erroneous. This petition, being devoid of merits is, therefore, dismissed.

(RAVINDRA V. GHUGE, J.)

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