

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

WRIT PETITION NO. 86 OF 2020

Jijabai Bhimrao Kunde

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Mr. K. F. Shingare, Advocate for the Petitioner.

Mrs. R. P. Gour, AGP for Respondent Nos. 1 and 3.

Mr. Anand V. Indrale Patil, Advocate for Respondent No. 2.

Mr. V. R. Dhorde, Advocate for Respondent Nos. 5 and 6.

**CORAM : S. V. GANGAPURWALA &
SHRIKANT D. KULKARNI, JJ.**

DATED : 02nd MARCH, 2020.

PER COURT:-

. The respondent Nos. 5 and 6 have sold their property to respondent No. 2 by registered sale deed. The land is acquired by respondent No. 2 from respondent Nos. 5 and 6 by private transaction.

The acquisition is not after issuance of notifications under the provisions of the National Highways Act.

2. The petitioner has already filed suit for declaration that the sale deed executed by defendant Nos. 3 and 4 in favour of the defendant No. 1 is illegal, null and void and so also injunction is sought.

3. In view of the fact that the civil suit is already pending

challenging the sale deed executed by respondent Nos. 5 and 6 in favour of respondent No. 2, it will not be appropriate to go into the disputed questions of the fact in writ jurisdiction. The observations of the competent authority with regard to the ownership or otherwise would not bind the Civil Court. The substantive suit is pending in the Civil Court. The Civil Court shall decide the said suit on the basis of evidence adduced before it and on its own merits.

4. Naturally, the parties would be governed by the judgment that would be delivered by the Civil Court.

5. In the light of above, writ petition is disposed of. All contentions are kept open. No costs.

(SHRIKANT D. KULKARNI)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

PS.B.