

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 5403 of 2018**

Vithal Babu Kale	.. Petitioner
Versus	
The State of Maharashtra & ors	.. Respondents

...

Mr. Nitesh Bhutekar for the petitioner.
Mr.M.M. Pabale, AGP for the State.

**CORAM: PRADEEP NANDRAJOG, C.J.
AND BHARATI DANGRE, J.**

DATED : 3rd JANUARY, 2020.

P.C:-

1 On the same cause as pleaded in the Writ Petition, the petitioner has approached a Civil Court. This would be one reason to deny relief claimed in the Writ Petition. The second reason is that the petitioner claims encroachment on his land by one Sagar Rangnath Jangam who has not been impleaded as a respondent and the prayer made would impact right of said person.

2 The petition is accordingly dismissed for two reasons. Firstly, non-impleadment of a necessary party. Secondly, on account of the petitioner having availed a remedy of a civil suit.

SMT. BHARATI DANGRE, J

CHIEF JUSTICE