

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

992 WRIT PETITION NO.8552 OF 2021

NAGRIK SAMANVAYA SAMITI TILAKNAGAR THROUGH ITS
CHAIRMAN ..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. Suresh P. Pandav, Advocate for the Petitioner.
Mr. S. P. Tiwari, AGP for Respondents-State.

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**CORAM : S. V. GANGAPURWALA &
R. N. LADDHA, JJ.**

DATED : 06th AUGUST, 2021.

PER COURT:-

1. The petitioner is challenging the communication made by the Legal Advisor of the Corporation to Assistant Director, Town Planning and otherwise.

2. It is not disputed that, the civil litigation between the parties is pending.

3. Mr. Pandav, learned counsel for the petitioner candidly submits that the present petitioner is party to the Civil Suit filed by the present respondent no.2.

4. In that case, in the said Suit initially Application Exhibit-5 was rejected. The Plaintiff filed an Appeal before the District Court. The

District Court under judgment and order dated 30.03.2011 allowed Miscellaneous Civil Appeal No.199/2010 filed by respondent no.2/Original Plaintiff and restrained the Defendant therein from causing obstruction in the possession of plaintiff over suit property till the disposal of suit. It is made clear from the said order that the present petitioner is also restrained from causing obstruction in the possession of plaintiff over suit property till the disposal of suit.

5. It is further submitted that, the Original Plaintiff has filed Contempt Petition before the Trial Court and the same is also pending.

6. In view of the fact that, Civil Court is seized with the matter and civil litigation between the parties is pending, it would not be appropriate to entertain the present writ petition. The petitioner may take up steps as may be permissible under law before the Court where the dispute is pending.

7. Writ Petition accordingly disposed of. No costs.

(R. N. LADDHA)
JUDGE

(S. V. GANGAPURWALA)
JUDGE