

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1037 WRIT PETITION NO.10403 OF 2021

VISHNU KADUBA BHESAR AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr.S.B. Solanke
AGP for Respondent/State: Mr.P.K. Lakhotiya
Advocate for respondent no.7 : Mr.S.R. Dheple

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CORAM : S.V. GANGAPURWALA
AND
R.N. LADDHA, JJ.

DATE : 16th NOVEMBER, 2021

PER COURT :-

We have heard Mr.S.B. Solanke, learned counsel for the petitioner, Mr.S.R. Dheple, learned counsel for Respondent No.7 and learned A.G.P.

2. The grievance of the petitioner is that the application filed by respondent no.7 before the Mamlatdar is pending, no final order has been passed. However, arbitrarily respondent no.7 in connivance with the Revenue Authorities constructed road from the land of the petitioner. The Civil Court has also clamped injunction against respondent no.7 in a suit.

3. In that event, if the order of injunction is violated, the petitioner has an

alternate remedy under Order XXXIX Rule 2A of the Civil Procedure Code. The petitioner if has sustained any loss illegally, he can claim the damages.

4. With the above observations, the Writ Petition is disposed of.

5. The contentions of all the parties are kept open.

(R.N. LADDHA, J.)

(S.V. GANGAPURWALA, J.)

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