

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

WRIT PETITION NO. 4036 OF 2021

Sau. Gitadevi Vishnuprasad Agrawal .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Mr. Amit Savale, Advocate for the Petitioner.

Mr. P. S. Patil, Addl. G. P. for Respondents-State.

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

DATED : 04th March, 2021.

PER COURT:-

. Mr. Savale, learned counsel for the petitioner submits that public notice was issued for removal of encroachment. The encroachers filed suit. The suit was dismissed. The encroachers preferred appeal. The appeal is also dismissed, still the Corporation is not implementing the public notice.

2. Mr. Savale, learned counsel accepts that the encroachment is on the private property of the petitioner.

3. The encroachment is not on the public road. The encroachment alleged is on the private property of the petitioner. In that event, the

suit for possession either under Section 5 or 6 of the Specific Relief Act would be tenable. We are not entertaining the present petition ventilating property rights of the petitioner vis-a-vis private persons.

4. In the light of that, writ petition is disposed of with liberty to the petitioner to avail alternate remedy as may be permissible under law. All contentions are kept open. No costs.

(SHRIKANT D. KULKARNI)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

PS.B.