

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

934 WRIT PETITION NO.4628 OF 2021

DILIP SHANTILAL MEHATA & ANOTHER
VERSUS
THE STATE OF MAHARASHTRA & OTHERS

...

Mr.D.P.Palodkar, Advocate for the petitioners
Ms.R.P.Gaur, AGP for the respondent-State.

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**CORAM: S.V.GANGAPURWALA &
SHRIKANT D.KULKARNI,JJ.
DATE : 16.03.2021.**

P.C.

1] Mr.Palodkar, learned counsel for the petitioners submits that representation has been given to respondent no.2 to initiate action for removal of illegal and unauthorized construction carried out by respondent nos.3 to 5 on the writ property. The illegal construction is made by respondent nos.3 to 5.

2] Learned AGP accepts notice for respondent no.1.

3] It is not disputed that the parties are litigating before the civil Court in respect of the writ property. Once the matter

is seized before the Civil Court, it would not be appropriate to entertain the writ petition on merits.

4] In the light of that, Writ Petition is disposed of. All contentions of the respective parties are kept open. No costs.

[SHRIKANT D.KULKARNI,J.] [S.V.GANGAPURWALA,J.]

DDC