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

914 WRIT PETITION NO.9766 OF 2018

**CHANDRABHAN DHANAJI WAGHMARE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...

Mr P. M. Nagargoje, Advocate for petitioner;
Mr S. B. Pulkundwar, A.G.P. for respondent Nos.1 to 3;
Mr S. V. Adwant, Advocate for respondent No.4;
Mr H. V. Patil, Advocate for respondent No.7;
Mr A. A. Khande, Advocate h/f Mr G. V. Sukale, Advocate for
respondent Nos.8 to 12

**CORAM : RAVINDRA V. GHUGE
AND
S. G. MEHARE, JJ.**

DATE : 27th August, 2021

PER COURT:

1. The relief sought by the petitioner is vide prayer clause (B). The same relief is also sought before the learned Civil Court vide Regular Civil Suit No.135/2018, for partition and separate possession. The Land Acquisition Officer is defendant No.33 in the said proceeding. This petition has been filed for seeking injunction under Order XXXIX, Rules 1 and 2 of the Code of Civil Procedure, from this Court.

(2)

2. We are of the view that issuance of a writ under the extraordinary jurisdiction of this Court under Article 226 cannot be exercised in the face of a pending suit and when the dispute between the parties is purely of a civil nature.

3. In view of the above, this petition is disposed off.

4. Needless to state, the legal remedies available to the petitioner can be availed of.

(S. G. MEHARE, J.)

(RAVINDRA V. GHUGE, J.)

sjk