

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

949 Writ Petition No.10805 Of 2021

Ashok Panditrao Khonde

.. Petitioner

Versus

The State of Maharashtra and Others

.. Respondents

...

Mr Ashutosh S. Kulkarni, Advocate for the Petitioner

Mrs M.A. Deshpande, Addl. G.P. for the Respondents – State

...

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

DATE : 28-09-2021

PER COURT :

1. Mr Kulkarni, learned Advocate for the petitioner submits that the impugned notice is arbitrary against the statute and the procedure laid down. According to the learned Advocate, when the notice is arbitrary this Court can invoke its jurisdiction.

2. The civil suit between the parties is pending. The trial Court has rejected the temporary injunction application of the petitioner, however has directed the respondent - Corporation to follow the mandate and all the directions given by the High Court in Writ Petition No.1135 of 2014 under its order dated 23-06-2014. If the respondents are violating the same, the petitioner has remedy under

Order-39, Rule-2A of the Civil Procedure Code and / or can take further steps in the pending suit.

3. When the suit is already pending and the Civil Court is seized with the matter and the Civil Court has also dealt with an application for the temporary injunction, it would be inappropriate for this Court now to invoke its jurisdiction. The petitioner can agitate all the aspects before the Civil Court as may be permissible.

4. With these observations, the Writ Petition is disposed of. No costs.

(R. N. LADDHA)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

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