

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

1127 WRIT PETITION NO.13012 OF 2021

**ASHABAI BALU WABLE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AD ANOTHER**

...

Advocate for Petitioners: Mr. Gaikwad Sanjay N.
AGP for Respondent/State: Mr. P. S. Patil

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

DATE: 26th NOVEMBER, 2021

PER COURT:

1. We have heard the learned Counsel for the Petitioners. This is the 3rd notice issued to the Petitioners. The Petitioners were initially issued with the notice on 21.10.2021. Then again, notice was issued on 12.11.2021 and the final notice issued on 18.11.2021. The directions were given to the Petitioners to remove the encroachment within five (05) days.

2. According to the learned Counsel, the road does not exists.

3. In the writ jurisdiction, we cannot embark upon the investigation of such facts.

4. The Petitioners may avail the remedy before the Civil Court or any other Forum as may be permissible under law.

5. For a period of 3 days from today, the *status-quo* as on today be maintained. However, on lapse of 3 days, the protection granted by this Court shall come to an end.

6. With the aforesaid observations, the Writ Petition is disposed of. All contentions are kept open. No costs.

[R. N. LADDHA, J.]

[S. V. GANGAPURWALA, J.]

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