

R.M. AMBERKAR
(Private Secretary)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5124 OF 2021

Dhondiram Mahadu Patil and Ors. .. Petitioners
Versus
State of Maharashtra and Ors. .. Respondents

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- Mr. Sushil A. Inamdar for the Petitioners
 - Mr. R.S. Pawar, AGP for the State
 - Mr. Vaibhav Gaikwad for Respondent Nos. 2 to 4
 - Mr. Dilip Bodake for Respondent Nos. 6 to 11
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**CORAM : S.J. KATHAWALLA &
MILIND N. JADHAV, JJ.**

DATE : SEPTEMBER 28, 2021.

P.C.:

We have heard the learned Advocates for the parties. The allegation of the Petitioners that the Panchayat is not taking any action against Respondent Nos.6 to 11 who are obstructing the right of way of the Petitioners by putting up stones, water drums, and installing illegal water connections on the subject land is baseless, since the Panchayat has already informed the Petitioners that the subject land is private land and the Panchayat has nothing to do with it. Learned Advocate appearing for the Petitioners, therefore, accepts that he will have to file a Civil Suit for redressal of their grievance/s. However, he makes a request that the huge stone which has been placed by Respondent Nos.6 to 11 and which can be seen in the photograph

(Exhibit "F" at Page 30 to the Petition) should be removed. Learned Advocate appearing for Respondent Nos. 6 to 11 states that the said stone is not placed by Respondent Nos.6 to 11, however, they will immediately arrange to remove the same. The statement is accepted.

2. As far as the other grievances of the Petitioners are concerned, the Petitioners may move the appropriate Civil Court seeking redressal of the same. If any such proceedings are being filed before the Civil Court, the same shall be decided on merits and all contentions of the parties are kept open.

3. In view of the above, Writ Petition stands disposed off.

[MILIND N. JADHAV, J.]

[S. J. KATHAWALLA, J.]