

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.8418 OF 2021

FAROOQUI MAROOF A BEGUM AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Mr. D.P. Palodkar, Advocate for the petitioners.
Mr. K.N. Lokhande A.G.P. for respondent Nos.1 to 4.
Mr. S.S. Bora, Advocate for respondent No.5.
Mr. R.S. Banik, Advocate holding for
Mr. V.P. Latange, Advocate for respondent No. 8.

...

**CORAM : C.V. BHADANG AND
SANDIPKUMAR C. MORE, JJ.**

DATE : 14 JUNE 2022

P.C. :

After hearing the learned Counsel for the parties, we find that there is disputed questions of law and fact as to whether the location where the proposed construction is being made, whether it is a public road or is a land allotted to respondent No.8. It transpires during the course of the hearing that respondent No. 8 has filed a civil suit seeking injunction against the Corporation in respect of the said construction in which the petitioner has filed application for impleadment under Order I Rule 10 of the Code of

Civil Procedure. This is one more reason why we find that this petition, as framed and filed, cannot be entertained. Therefore, we decline to entertain this petition.

2. The petition is accordingly dismissed.

3. We make it clear that we have not examined merits of the rival contentions.

SANDIPKUMAR C. MORE, J.

C.V. BHADANG, J.