

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

921 WRIT PETITION NO.6067 OF 2022

VIKRAM SUGRIV KALE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND
OTHERS

...

Advocate for Petitioners : Mr. Toshniwal Jagdish G. & Kalani Pravin N.
AGP for Respondents-State : Mr. S. K. Tambe

...

**CORAM : RAVINDRA V. GHUGE
AND
ARUN R. PEDNEKER, JJ.**

DATE : 12th August, 2022

PER COURT :

1. The petitioners have put forth prayer Clause 'B' as under :-

(B) By way of passing appropriate writ, order or directions in the like nature, the respondents may kindly be directed to remove the temporary encroachment of tin shed of temple from the open space/ Green Belt adm. 814 Sq.Mts. in the sanctioned Layout of Land Gut No.14 (Survey No.12) situated at village Wasangaon Tq. And Dist. Latur within limits of Latur City Municipal Corporation, Latur

2. The learned Counsel for the petitioners submits that their property is being affected on account of the encroachment of the tin shed of the temple.

3. We find that in matters wherein the petitioners' personal properties and rights are involved in purported encroachment, the appropriate remedy would be to approach the Civil Court and after leading evidence and establishing the respective rights of the parties, the Court can issue directions.

4. In view of the above, this petition is disposed of with liberty to the petitioners to avail of the remedy as is permissible in law.

(ARUN R. PEDNEKER, J.)

(RAVINDRA V. GHUGE, J.)

vjg/-.