

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

69 WRIT PETITION NO.7402 OF 2022

**GURUVINDERSINGH BIKRAMSINGH GILL
VERSUS
STATE OF MAHARASHTRA THROUGH SECRETARY FOR DEPARTMENT OF
GENERAL ADMINISTRATION AND OTHERS**

Mr.M.K. Bhosale h/f. Mr. Granthi Manpreet Ajeet Singh, Advocate for the petitioner.

Mr.S.G. Sangle, AGP for the respondent/State.

**CORAM : RAVINDRA V. GHUGE &
ANIL L. PANSARE, JJ.
DATED : 19.07.2022**

PC :-

01. This petition is directed against the purported encroachment by respondent Nos.6 and 7, who are persons staying in the colony, in which the petitioner is residing. The petitioner feels harassed because of the encroachment indulged into by these two persons.

02. We are of the view that in every matter of encroachment, a writ of mandamus under Article 226 of the Constitution of India cannot be issued. The petitioner has a remedy of approaching the Civil Court by instituting appropriate proceedings and making out a case of a legal wrong and a legal injury suffered by him vis-a-vis the allegation of encroachment caused by respondent nos.6 and 7.

03. The learned Advocate for the petitioner submits, on instructions, that the petitioner desires to withdraw the petition and prefer a civil suit for seeking removal of the encroachment.

04. In view of the above, this petition is disposed off with the liberty as is prayed for.

[ANIL L. PANSARE,J.]

[RAVINDRA V. GHUGE,J.]