

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

**61 WRIT PETITION NO.8551 OF 2022**

**RAJU VITTHAL KALE AND ANOTHER  
VERSUS  
THE STATE OF MAHARASHTRA THROUGH THE PRINCIPAL  
SECRETARY AND OTHERS**

...

Advocate for Petitioners: Mr. S. N. Pahune Patil  
h/f. Mr. Pahune Patil Nandkishor J.

AGP for Respondent/State: Mr. S. K. Tambe

...

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

**DATE: 23<sup>rd</sup> AUGUST, 2022**

**PER COURT:**

1. The Petitioners have put-forth prayer  
clause 'C', as under:-

"C] The Respondent No. 2 to 9 may  
kindly be directed to jointly deposit and  
amount of Rs.1,75,00,000/- as interim  
compensation during pendency of this writ  
petition and for that purpose necessary  
writ and orders may kindly be issued."

2. The learned AGP points out that the Petitioners have already preferred an execution proceeding and through the execution proceeding, applications for seeking attachment warrants and other remedies, have been filed. He, therefore, raises a grievance that when the Petitioners have already availed of a statutory remedy by preferring execution proceeding, a writ petition seeking a direction to deposit the compensation amount in this Court, amounts to resorting to 2 remedies for the same cause.

3. Since the Petitioners concede that there is an execution proceeding pending and the executing court is dealing with the same, it would be inappropriate for this Court to exercise its writ jurisdiction.

4. In view of the above, this Petition is disposed off.

[ARUN R. PEDNEKER, J.]

[RAVINDRA V. GHUGE, J.]

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