

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

902 WRIT PETITION NO.1577 OF 2021

SK. KAYYUM SK. BHIKAN AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Mr.V. R. Langhe, Advocate for the petitioners;
Mrs.R.P. Gaur, A.G.P. for the respondent/State.
Mr.A.V. Indrale Patil, Advocate for respondent Nos.2 to 4.
Mr.G.J. Kore, Advocate for respondent No.5

...

**CORAM : RAVINDRA V. GHUGE &
S.G.DIGE, JJ.**

DATE : 20.04.2022

P.C. :

1. On 18.04.2022, we had passed the following order :-

“1. We have perused the bailiff report wherein he has stated on oath that he was threatened by respondent no.6 and restrained from pasting the notice on his office after he refused to accept the notice. As such, service is complete.

2. Considering the view taken by the learned Division Bench of this Court in the matter of **Vishwasrao Dattatray Kachare & others Vs. Union of India & others** reported in 2017 (6) Mh.L.J. 85 and **Bhupendrasingh Vs. Competent Authority & others** reported in (2020) 1 AIR Bom R 645, the

petitioners should actually approach the Arbitrator.

3. The learned Advocate for the petitioners seeks time to take instructions and peruse the judgments.

4. Stand over to 20th April, 2022, for passing orders.”

2. We have considered this matter for quite some time and after noticing serious disputed issues including whether the *Sarkari Odha* belongs to the petitioner and, therefore, whether the well in the “*Sarkari Odha*” would belong to the petitioner etc., that we expressed our disinclination to exercise the writ of mandamus.

3. The learned advocate for the petitioner seeks leave to approach the Arbitrator.

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

(S.G.DIGE, J.)

(RAVINDRA V. GHUGE, J.)