

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

950 WRIT PETITION NO.11080 OF 2021

**SHAIKH ISLAM ASARAF
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS**

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Advocate for Petitioner : Mr. Kishor D. Khade
AGP for Respondent / State : Mr. S.B. Yawalkar
Advocate for Respondent No.3 : Mrs. Sheetal V. Salunke
Advocate for Respondent No.4 : Mr. B.S. Kudale

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**CORAM : MANGESH S. PATIL &
SANDEEP V. MARNE, JJ.**

DATE : 29-09-2022

PER COURT :

. Heard both the sides.

2. The petitioner alleges about respondent no.4 having made encroachment over a public road which vests in respondent no.3 - Municipal Council.

3. Apart from the fact that there is a pure factual dispute as regards the alleged encroachment, respondent no.4 has filed a civil suit against respondent no.3 - Municipal Council bearing Regular Civil Suit No.304 of 2021 before a court of C.J.S.D., Majalgaon. Admittedly, some kind of temporary injunction has been granted in

favour of respondent no.4 by the Civil Court and the order perhaps has not been challenged by the Municipal Council.

4. The anxiety of the petitioner apart, when the respondent nos.3 and 4 are before the civil court in a civil dispute touching the dispute being raised in this petition, we dispose of the writ petition.

5. The petitioner, if so desires, may resort to appropriate remedies including a request to intervene in the pending suit.

(SANDEEP V. MARNE, J.)

(MANGESH S. PATIL, J.)