

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

WRIT PETITION NO.7261 OF 2023

**ANAND KASHIRAM SAPKALE
VERSUS
THE STATE OF MAHARASHTRA THROUGH SECRETARY
AND OTHERS**

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Advocate for the Petitioner : Shri Sapkale Sumeet A.
AGP for Respondent 1/State : Shri S.B. Yawalkar
Advocate for Respondents 2 and 3/ MC : Shri S.R. Patil

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**CORAM : RAVINDRA V. GHUGE
&
Y. G. KHOBRAGADE, JJ.**

DATE :- 05th July, 2023

Per Court :-

1. Considering the disputed issue as to whether, any entity has caused any encroachment in the face of the fact that no individual has been arrayed as a Respondent so as to allege that the encroachment has been caused by him on the open space, we do not intend to entertain this petition.

2. The Petitioner has a statutory efficacious remedy of approaching the Civil Court. Needless to state, the concerned Municipal Authority is also expected to perform its duty if it receives any complaint as regards an encroachment of

government land.

3. **The Writ Petition is, therefore, disposed off.**

kps

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)