

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

929 WRIT PETITION NO.4871 OF 2023

**VISHAL TIRATHLAL ARORA
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND
ANOTHER**

...

Advocate for Petitioner : Mr. Avinash A. Khande
AGP for Respondents: Mr. S.B. Yawalkar.

**CORAM : NITIN W. SAMBRE AND
S.G. CHAPALGAONKAR, JJ.**

DATE : 26th APRIL, 2023

P.C.:-

Prayer of the petitioner is for issuance of writ of mandamus, thereby directing the respondent No.2 local planning authority, i.e. Ahmednagar Municipal Corporation, to decide the representation dated July 16 and July 22, of the year 2020 and 2021, respectively.

2. Pending these representations, it is claimed by the petitioner that in the sale deed executed in favour of the petitioner, a road was shown. However, since the said was encroached, he does not have any approach road to his residence. It is further claimed that there is an alternate way from the open land was available from adjacent property.

3. if we appreciate the aforesaid contention of the counsel for petitioner, what can be noticed is, the prayer for removal of

encroachment can be sought by the petitioner in an appropriate suit proceeding. At this stage, the counsel for the petitioner seeks permission to withdraw the petition. Petition, as such, stands disposed of.

4. However, the petitioner is at liberty to approach before the Civil Court, as prayed, for redressal of his grievances.

[S.G. CHAPALGAONKAR]
JUDGE

[NITIN W. SAMBRE]
JUDGE

grt/-