

(1)

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

22 WRIT PETITION NO.9128 OF 2023

**SHIVAPPA LIMBANAPPA PATANKAR
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND OTHERS**

....

Mr Sushant V. Dixit, Advocate for Petitioner;
Mr P. K. Lakhotiya, A.G.P. for Respondent Nos.1 to 3

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

DATE : 31st July, 2023

PER COURT:

1. Leave to correct the description of Respondent No.4.

Correction be carried out forthwith.

2. The Petitioner's grievance is voiced in prayer clauses

(A) and (B) as under :-

“A) For a Writ of mandamus or a writ in the nature of mandamus or any other appropriate writ, order or direction directing respondents Nos. 2 and 3 for removing encroachment and obstruction of respondent No.5 over Left Canal of Tawarja Medium Project in village Kavha, Tq. and District Latur within stipulated period.

B) Pending hearing and the final disposal of the present Writ Petition, respondents Nos. 2 and 3, their agents,

(2)

servants or anybody claiming through them be directed by mandatory order for directing respondents Nos. 2 and 3 for removing encroachment and obstruction of respondent No.5 over Left Canal of Tawarja Medium Project in village Kavha, Tq. and District Latur.”

3. There is no allegation that Respondent No.4 is not performing his duties.

4. In view of the above, **this petition is disposed off**, with a direction to Respondent No.4, to exercise the jurisdiction vested in him by law, and initiate appropriate steps, as is permissible in law, to redress the grievance of the Petitioner, within 90 days from today.

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)

sjk