

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

914 WRIT PETITION NO. 186 OF 2020

Shashwat s/o Shrikant Kulkarni
VERSUS
The State of Maharashtra and others

...

Mr. S. S. Khoche h/f Mr. D. P. Palodkar – Advocate for the petitioner
Mr. V. M. Kagne – AGP for respondent/State

...

AND
**CIVIL APPLICATION NO. 7915 OF 2021
IN
WRIT PETITION NO. 186 OF 2020**

Shobha Puroshottam Talekar
Versus
Shashwat Shrikant Kulkarni & Ors.

...

Advocate for Applicant : Mr. Ajinkya Reddy i/b Talekar And Associates
AGP for Respondent No. 2 : Mr. V. M. Kagne
Advocate for petitioner in WP : Mr. S. S. Khoche h/f Mr. D. P. Palodkar

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**CORAM : RAVINDRA V. GHUGE
AND
Y. G. KHOBRADE, JJ.
DATED : 07th JULY 2023**

PER COURT : -

1. We have heard the learned advocate for the petitioner and the learned advocate appearing on behalf of the applicant who has filed the civil application for intervention.

2. When this court issued notice on 07.01.2020, the issue of alternate remedy, was kept open. The petitioner was issued with a

notice by the Block Development Officer after conducting an enquiry, as was instructed by the Chief Executive Officer, calling upon the petitioner to remove the encroached portion of his construction. The petitioner has a remedy under Section 137 of the Maharashtra Village Panchayat Act. The civil applicant submits that the encroachment made by the petitioner is on the land of the applicant.

3. It does not call for any further debate that the issue between the petitioner and the applicant is as regards encroachment allegedly made by the petitioner on the land purportedly belonging to the applicant. Such a dispute is of a civil nature and is to be considered by the appropriate forum as may be prescribed in law.

4. In view of the above, by granting liberty to the petitioner to assail the orders dated 03.12.2019 and 26.12.2019, before the appropriate forum, **this petition is disposed off**. We are granting 14 days time to prefer such a proceeding.

5. All the contentions of the litigating parties are kept open.

6. The time spent by the petitioner in this court from 03.01.2020 till the passing of this order, would be a ground for condonation of delay, if any.

7. Civil Application No. 7915 of 2021 filed by the applicant, therefore, does not survive and stands disposed off.

[Y. G. KHOBRAGADE]
JUDGE

[RAVINDRA V. GHUGE]
JUDGE

SG Punde