

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

928 WRIT PETITION NO.14206 OF 2023

**ANIL MITHARAM CHOPDE
VERSUS
THE STATE OF MAHARASHTRA
THROUGH SECRETARY AND OTHERS**

...

Advocate for Petitioner : Mr. Shinde Digambar B
AGP for Respondents State: Mr. V. M. Kagne

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

DATE : 9th November, 2023

ORDER:

1. The Petitioner, who is an individual, claims to be affected by a construction initiated by Respondent No.5 contending that the access available to him vide a registered sale deed from the predecessor in title indicates a particular path and Respondent No.5 is constructing on that path. An iron gate installed by the Petitioner has been dismantled by respondent No. 5 and a wall has been constructed in the said place.

2. It is further stated that an application has been filed before the Municipal Corporation on 02.08.2023 for removal of the illegal and unauthorized construction.

3. It is apparent that the dispute between the Petitioner and Respondent No. 5 is of a civil nature. Filing of a civil suit to get his path cleared and easementary rights upheld, is not prohibited. If the

Petitioner desires to pursue the Corporation, it would be his choice. If his grievance is not redressed, he would be at liberty to approach the Civil Court for seeking appropriate orders as the dispute as to whether there is an encroachment, to what extent is the encroachment, whether there are any other disputes between the parties etc., would require recording of evidence.

4. In view of the above, **this Petition is disposed off** with liberty.

(Y. G. KHOBRAGADE, J.)

(RAVINDRA V. GHUGE, J.)

JPChavan