

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

50 WRIT PETITION NO.12090 OF 2023

**AKHTAR KHAN MASOOD KHAN AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA
THROUGH ITS PRINCIPAL SECRETARY AND OTHERS**

...

Advocate for Petitioners : Mr. Navnath Kalyankar h/f. Jadhav Kiran &
Vikram Bhangre

AGP for Respondents/State : Mr. S.K. Tambe

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

DATE : 3rd October, 2023

PC. :-

1. The Petitioner No.1 is the biological brother of Respondent No.5. The Petitioner No.2 is the nephew of Petitioner No.1 and Respondent No.5. All three are quarreling with each other with regard to a private plot on which Respondent No.5 is erecting a construction, allegedly, illegally.

2. This is purely a civil dispute *inter se* between two biological brothers and blood relatives with reference to a private property. The remedy to resolve the issue and have the property divided equally lies with the Civil Court.

3. In view of the above, **this petition is disposed off** with liberty to the Petitioners to avail of the remedy as may be permissible in law, subject to the law of limitation.

[Y.G. KHOBRADE, J.]

[RAVINDRA V. GHUGE, J.]