

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

WRIT PETITION NO.13041 OF 2023

**VIPUL SOBHAGCHAND GOSARNI
VERSUS
STATE OF MAHARASHTRA THROUGH URBAN DEVELOPMENT
DEPARTMENT AND OTHERS**

....

Mr. S. S. Patunkar, Advocate h/f Mr. Sanket S. Kulkarni, Advocate
for Petitioner

Mr. A. V. Deshmukh, Advocate for Respondent – State

....

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

DATE : 20.10.2023.

PER COURT :-

1. The Petitioner desires that a construction erected by a private individual, be demolished, since the Petitioner claims it to be illegal. The purported individual who has erected the construction, is not impleaded as a Respondent. Matters in which two private individuals are pitted against each other with regard to alleged illegal constructions, are being brought before this Court seeking Writ of Mandamus that the constructions be demolished.

2. With our experience in many such matters, when we have issued such orders, Review Petitions have been filed claiming that the title holders were not even heard and the Court has been misled.

3. Since the dispute is of a civil nature, **this Petition is disposed off** with liberty to the Petitioner to approach the Civil Court seeking relief against a private individual.

[Y. G. KHOBRAGADE, J.]

[RAVINDRA V. GHUGE, J.]

SMS