

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8133 OF 2023

Mr. Abdul Jabbar Sheikh & Ors.

.. Petitioners

Vs.

The State of Maharashtra & Ors.

.. Respondents

- Ms. Divya Parab, for the Petitioners.
- Ms. M.P. Thakur, AGP for Respondent No.1–State.

**CORAM : SUNIL B. SHUKRE &
RAJESH S. PATIL, JJ**

DATE : 5th JULY, 2023.

P.C. :

1. Heard.
2. Since it is the contention of learned counsel for the petitioners that encroachment is being made repeatedly, we are of the view that the petitioners will have to approach the Civil Court of competent jurisdiction seeking appropriate reliefs including one in the nature of permanent injunction against the encroachers, and therefore, insofar as this aspect of the matter is concerned, this petition cannot be heard.
3. As regards the apprehension of the petitioners that Respondent No.3 would not grant appropriate reliefs to the petitioners, we do not find any substance since already a notice has been issued by

Respondent No.3, whereby opportunity of hearing has been granted to the petitioners. We see no reason as to why Respondent No.3 would not hear the petitioners. We, therefore, direct Respondent No.3 to grant opportunity of hearing afresh to the petitioners and if any application is filed, Respondent No.3 to take appropriate decision.

4. In this view of the matter, we are not inclined to entertain the petition. The petition stands dismissed.

[RAJESH S. PATIL, J.]

[SUNIL B. SHUKRE, J.]