

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

Writ Petition No. 27 of 2020

[Suraj S/o Diwakar Pandile ..vs.. The State of Maharashtra, through its Secretary, Rural Development Department and ors.]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. M. V. Raut, Advocate for the petitioner
Mr. S. M. Ukey, Addl. G. P. for respondents 1 to 4
Mr. A. M. Chaudhari, Advocate for respondents 5 to 9
Mr. O. R. Deshpande, Advocate for the intervenor

**CORAM : ROHIT B. DEO AND
M. W. CHANDWANI, JJ.**

DATED : 7-7-2023

The petitioner has brought before us a private dispute between the petitioner and respondents 5 to 9. According to the petitioner, his private land is encroached upon by respondents 5 to 9.

2. Petitioner states that vide order dated 29-11-2010 in Review Case 4/L.E.N.39/2007-08 which was instituted by the grandmother of the petitioner against the private respondents, a direction is issued by the Tahsildar that the encroachment on Agriculture Field Gat 186 be removed.

3. We note that two civil suits are pending in which prayer identical to the prayer in the present petition is sought. Regular Civil Suit 5/2018 is pending before the Civil Judge Senior Division, Pandharkawda and the plaintiff 1 is the father of the petitioner. The other civil suit is Regular Civil Suit 27/2020 which is pending before the Civil Judge Junior Division, Maregaon, which is again filed by the father of the petitioner.

4. The civil court has refused injunctive relief. The learned counsel for the petitioner fairly concedes that in the entire petition, there is no disclosure as regards Civil Suit 27/2020. The only statement in paragraph 9 is that Civil Suit 5/2018 is filed seeking injunction against encroachment. The petitioner has deliberately not brought to the notice of the Court either by amending the petition or by placing on record the developments that injunctive relief is refused.

5. We find that the petitioner is abusing the process of law. The petition is dismissed with costs

of Rs. 200/- (Rupees Two Hundred) which shall be deposited in the High Court Legal Services Sub-Committee, Nagpur within the next four weeks.

(M. W. Chandwani, J.)

(Rohit B. Deo, J.)

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