



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 3619 OF 2024

VILAS SHRIKRISHNA DESHPANDE

VERSUS

THE STATE OF MAHARASHTRA THROUGH COLLECTOR AND OTHERS

Mr. C. B. Chaudhari, Advocate for the Petitioner

Mr. R. K. Ingole, AGP for the Respondent/State

CORAM : RAVINDRA V. GHUGE AND
R. M. JOSHI, JJ.

DATE : 10th April, 2024

PER COURT :-

1. The Petitioner prays that this Court should issue a Writ of Mandamus and direct Respondent No.4 to remove the encroachment/construction resorted to by Smt. Meharunisa Begam Najirkhan Pathan and Amjadkhan Najirkhan Pathan. Both have not been arrayed as Respondents in this Petition.

2. The learned AGP submits that the alleged encroachers have already approached the learned Civil Court by preferring Regular Civil Suit No. 45 of 2020. The Grampanchayat is a Defendant. The Application (Exhibit 5) is still pending and no orders have been passed.

3. The Petitioner is a senior citizen and an agriculturist. He claims that, the alleged encroachment/construction resorted to by the

purported encroachers, is creating an obstacle in the enjoyment of his property. He claims to be directly effectively. It is further alleged that the Exhibit 5-Application is deliberately being adjourned by the encroachers.

4. In view of the above and since the alleged encroachers are also not added as Respondents and as the civil litigation is pending, we do not intend to exercise our Writ jurisdiction. We are also informed that there were certain other proceedings before the Additional Divisional Commissioner, that have also concluded.

5. In view of the above, **this Writ Petition is disposed off**. In the event the Petitioner intends to file an intervention application in Regular Civil Suit No. 45 of 2020, the learned Trial Court would consider the same on its own merits, in as much as, the Exhibit 5 Application is not expected to be kept pending for so long and deserves to be quickly decided.

(R. M. JOSHI, J.)

(RAVINDRA V. GHUGE, J.)

ssp