



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

936 WRIT PETITION NO. 8504 OF 2024

RUSHIKESH SHIVAJI AKOLKAR

VERSUS

THE MUNICIPAL COMMISSIONER AND OTHERS

...

Mr. Rajendrraa Deshmukkh, Senior Advocate a/w Mr. Kunal Kale Advocate
i/by Mr. Shyam C. Arora, Advocate for the Petitioner
Mr. N. S. Tekale, AGP for Respondents State

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

DATE : 14th August, 2024

ORDER:

1. We have heard Shri Rajendrraa Deshmukkh, the learned Senior advocate along with Shri Kunal Kale and Shri Shyam Arora for the Petitioner and the learned AGP for the Respondents State.

2. We do not find any legal injury caused to the Petitioner insofar as the construction of the neighbourer- Respondent No.3 within his plot area. If the Petitioner 's grievance is that, Respondent No.3 has enjoyed the land of the Petitioner and his construction leads to an encroachment over the property of the Petitioner, as held by this Court [Coram: S. V. Gangapurwala, J. (as His Lordship then was) and S.G. Dige, J.] dated 20th December, 2021, in Writ Petition No. 14328 of 2021, this dispute would be within the realm of the Civil Court.

3. In view of the above, with liberty to approach the Civil Court, **this Writ Petition is disposed off.**

4. In the event, any statutory remedy is available to the Petitioner under the MRTTP Act, the same is at the disposal of the Petitioner, in relation to the construction permission.

(Y. G. KHOBRAGADE, J.)

(RAVINDRA V. GHUGE, J.)

JPChavan