



(1)

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

1002 WRIT PETITION NO. 425 OF 2024

SUSHILABAI SOPANRAO PATIL
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS

....

Mrs Yogita S. Thorat, Advocate for Petitioner;
Mr R. S. Wani, A.G.P. for Respondent Nos.1 & 2

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

DATE : 10th January, 2024

PER COURT:

1. The learned Advocate for the Petitioner has vehemently and strenuously canvassed prayer clause (B), which reads as under :-

“B) Issue writ of mandamus or any other appropriate writ, order or directions in the nature of writ of mandamus directing the Respondent Nos.1 and 2 to measure the land Gat No. 301 total admeasuring 09 H 36 R situated at village Pimpalgaon (Korka), Tq. & Dist. Nanded including the land of the petitioner and fix the boundaries of each of the persons holding the land in the said gat number and thereafter, put the persons in possession of the said land and then acquire the land for construction of Nanded -Jalna Express highway and for that purpose issue necessary orders;”

(2)

2. The learned A.G.P. points out that, a Regular Civil Suit No.97/2022 is pending between the parties, wherein the Petitioner/Plaintiff has sought perpetual injunction. He submits that the Petitioner can move an application for appointment of a Court Commissioner and can also pray for fixation of the boundaries, if necessary amendment can be made to the Civil Suit.

3. In view of the above, and since the Petitioner's Civil Suit is pending and remedy is available to her, as pointed out by the learned A.G.P., **this Writ Petition is disposed off**, with liberty. If such application is made, the learned Trial Court would consider the same on it's own merits.

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)

sjk