

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4421 OF 2023

Mr. Vinay Ghule

...Petitioner

Versus

The Chief Engineer, Public Works Dept,
Pune-I And Ors.

...Respondents

Ms. Surbhi Agrawal for the Petitioner.

Mr. P.P. Kakade, GP a/w S.B. Kalel, AGP for the Respondents.

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**CORAM : NITIN JAMDAR AND
M.M. SATHAYE, JJ.**

DATE : 14 MARCH 2024

P.C. :

. Heard learned counsel for the parties.

2. The perusal of the pleadings and prayers made in this petition would indicate that the grievance of the Petitioner is that the State Authorities are encroaching on Petitioner's land beyond what was acquired by the State. Therefore, what Petitioner seeks is an injunction based on title and possession. The Petitioner has already filed a civil suit and had taken out an application for temporary injunction which we have been informed is rejected. The learned counsel for the Petitioner states that the Petitioner would pursue the rejection further.

3. As regards the prayer of the Petitioner regarding the measurement etc. is concerned, since civil suit on the subject matter is pending, it is always open to the Petitioner, like any litigant to apply in the pending civil suit for appropriate reliefs. Such application if made will be considered by the concerned Court on its own merits. We leave that decision to the concerned Court.

4. Writ Petition is accordingly disposed of.

(M.M. SATHAYE, J.)

(NITIN JAMDAR, J.)