



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 4204/2023

Chetan S/o Rajesh Shrivastav

Vs.

**The State of Maharashtra, Through The Department of Town
Planning and others**

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. A.S.Tiwari, Advocate for Petitioner
Mr. I.J. Damle, AGP for Respondent No.1
Mrs. M.S. Naik, Advocate for Respondent No.2

**CORAM: AVINASH G. GHAROTE AND
SMT. M.S. JAWALKAR, JJ.**

DATED : 10th OCTOBER, 2024

1. The petition deserves to be dismissed for suppression of material facts inasmuch as though the petitioner claimed the relief of a direction against the respondent Nos.2 and 3 regarding encroachment and unauthorized construction made by the respondent No. 3 and its removal, there is no disclosure in the petition that the petitioner himself was a party to Regular Civil Suit No. 138/2022 in which an application below Exh.5 seeking temporary injunction against the present respondent no.3 for a direction to restrain him from making construction on the suit land during the pendency of the suit came to be rejected by the

learned trial Court by the order below Exh.5 dated 18.11.2022. In our considered opinion, this position ought to have been disclosed by the petitioner in the petition itself. We, therefore, are unable to countenance such an action of non-disclosure on the part of the petitioner, in view of which, the petition is dismissed. Since Mr Tiwari, learned counsel for the petitioner submits, that the petitioner had not disclosed the filing of the suit and dismissal of the application of injunction by the learned trial Court, we dismiss the petition with costs of Rs. 50,000/- (Rs. Fifty Thousand), upon the petitioner.

2. The registry shall ensure that the costs is recovered and report to this Court.

(SMT. M.S.JAWALKAR,J.)

(AVINASH G. GHAROTE,J.)