



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

WRIT PETITION NO. 5744 OF 2024

Navjiwan Shikshan Prasarak Mandal
and one

... Petitioners

- Versus -

Maharashtra State Scheduled Castes
and Scheduled Tribe Commission and
others

... Respondents

Mr. P.S. Chawhan, Advocate for the petitioners.
Mr. A.M. Kadukar, AGP for respondent no.1

CORAM : BHARATI DANGRE &
ABHAY J. MANTRI, JJ.

DATE : 27th September, 2024.

P.C. :

The present writ petition seek issuance of an appropriate writ, order/direction for quashing and setting aside the order dated 09.05.2024 passed by the Respondent No.1-Chief Research Officer, Mumbai and communicated to him on 06.06.2024. By the said communication, the respondent no.2 has purported to take action of demolition of building.

2. The learned counsel for the petitioner has produced before us an order passed by the 2nd Joint Civil Judge, Junior Division,

Pusad, dated 18.07.2024, upon an application filed below Exh.242 in Regular Civil Suit No.16/2013 instituted by respondent no.3 to the proceedings i.e. Sudhakar Shankarrao Chapke and we have noted that the application (Exh.242) is partly allowed under which the defendant no.1 and the plaintiff are temporarily restrained from removing any portion of the school building of the defendant no.3 over the alleged encroached land till further order of the court.

3. The counsel for the petitioner does not dispute that presently he stands protected, but he apprehends that if the arguments are not concluded, as the learned Judge has indicated in para 3 of the order that the matter will be proceeded without arguments by vacating the order.

4. We do not think that this course is open to him to approach this court by filing a writ petition and expecting us to exercise writ jurisdiction, despite the fact that the parties are before the competent civil court and on necessary orders being passed, which can be subjected to appeal in the hierarchy of the civil court.

5. The writ petition is dismissed.

(ABHAY J. MANTRI, J.)

(BHARATI DANGRE, J.)