



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 1109 OF 2025

SHAMBHAJI SHANKAR ROHAM AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA
THROUGH ITS SECRETARY AND OTHERS

...

- Mr. Kulkarni Sanket S., Advocate for the Petitioners
- Mr. S. V. Hange, AGP for Respondents/State

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CORAM : MANGESH S. PATIL &
Y. G. KHOBRAGADE, JJ.

DATE : 02.04.2025

PER COURT :

- . Heard learned advocate for the petitioners.
2. The petitioners are seeking writ of *mandamus* directing the respondents – public authorities to remove the encroachment stated to be abutting Nagar Manmad Highway and their land Gat No.89/12 of Village Khardi ganesh, Taluka Kopargaon, District Ahilyanagar. They are also seeking a *mandamus* directing the respondents to consider their representations for the same purpose.
3. On our query, as to what locus the petitioners have, the learned advocate would submit that the encroachment lies between the highway and their lands, thereby obstructing their right to access the property at any point along the highway.

4. If this be so, if it is a matter of breach of petitioners' right of ingress and egress to their property abutting the road, the petitioners would have their remedy of approaching the Civil Court.

5. Independently, if it is a matter of encroachment over the public property or public right, the petitioners would have no *locus standi* to seek its removal, more so when the alleged encroachers are not parties to the petition.

6. Since it is a matter of alleged encroachment and the alleged breach of petitioners' right to the property, it would be appropriate that they approach the Civil Court, lead the evidence and substantiate their right.

7. Keeping open that avenue to the petitioners, the writ petition is disposed of.

(Y. G. KHOBRADE, J.)

(MANGESH S. PATIL, J.)

jhs/