



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

966 WRIT PETITION NO. 9317 OF 2025

Prabhavati Dilip Gudhe and Others
VERSUS
The State Of Maharashtra Through Its Secretary and Others

...
Advocate for the petitioners : Mr. Abhay R. Rathod
AGP for the respondent – State : Ms. Neha B. Kamble
...

**CORAM : MANISH PITALE &
Y.G. KHOBRAGADE, JJ.**

DATE : 29 JULY 2025

PER COURT :

Heard learned counsel for the petitioners.

2. By this petition, the petitioners seek quashing and setting aside of the impugned letter dated 26.02.2024 sent by the respondent no. 6 i.e. the Deputy Engineer, Zilla Parishad, Latur.

3. The said letter refers to a claim made in September / October – 2023, by the Advocate on behalf of the petitioners that there was encroachment upon the land belonging to the petitioners and their family, whereupon a road had been constructed. The said letter addressed to respondent no. 5, records that the road is part of a road development project initiated way back in the year 1962. Reference is made to further development of the road over a period of time and it is

also recorded that the road is 80 feet wide and that it does not amount to encroachment in any manner. It is further stated that in such a situation, after so many years, the claim made in the notice issued in September / October – 2023, cannot be entertained.

4. The documents filed along with the Petition also show that one Dnyanoba S/o Vyankatrao Gudhe, said to be the relative / uncle of the petitioners, had filed a civil suit for perpetual injunction way back in the year 1988 and that there was an injunction in respect of a piece of the land. The petitioners have not been able to explain how the said injunction would enure to their benefit in respect of the claim now being made against the respondents. In any case, if there was violation of the said order of perpetual injunction, the plaintiffs therein could have taken appropriate steps in accordance with law.

5. Learned counsel for the petitioners is inviting this Court, to adjudicate serious disputed question of facts. He expects the writ Court to look at certain maps and photocopies of the revenue records to return a finding in favour of the petitioners, as regards their claim in the context of the said road.

6. We are of the opinion that the claim made by the petitioners concerning the road project initiated in the year 1962, involves serious disputed questions of facts and, therefore, the prayers

made in the present Writ Petition, cannot be entertained under Article 226 of the Constitution of India.

7. Hence, the Writ Petition is dismissed.

8. If the petitioners have any grievance, they can approach the competent civil Court, for redressal thereof.

9. Pending applications, if any, also stand disposed of.

[Y.G. KHOBRADE]
JUDGE

[MANISH PITALE]
JUDGE

arp/