



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

24 WRIT PETITION NO. 14125 OF 2025

Someshwar Nilaji Kute

VERSUS

The State Of Maharashtra And Others

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Advocate for Petitioner : Mrs M.V. Narwade

AGP for Respondents: Mr. V.M. Kagne

CORAM : SMT. VIBHA KANKANWADI &
HITEN S. VENEGAVKAR, JJ.

Dated : December 15, 2025

ORDER :-

1. Heard learned advocate for the petitioner, learned AGP waives notice for respondent nos.1 and 3.
2. The petitioner submits that his house property is situated at survey no.57 plot no.13 in Chhatrapati Colony, Gevrai, Tq. Gevrai, District Beed. Respondent no.5 is stated to be the adjacent plot owner and respondent no.5 has made encroachment over the Government road by erecting iron gate, result of such erection of iron gate is resulted into closing down the road used by the petitioner. Even, the Chief Officer Municipal Council, Gevrai had conducted inquiry and arrived at the conclusion that the said gate is erected by way of encroachment on the Government land.

3. First and foremost fact that is required to be considered is that, the petitioner states that his rights are affected because of the alleged act of respondent no.5. Under such circumstances, it is for him to assert it before the appropriate Civil Court.

4. In view of this situation, learned advocate for the petitioner seeks withdrawal of this petition, upon instructions, with liberty to approach the Civil Court.

5. The Writ Petition stands **disposed off**, with liberty as prayed. If such suit is filed, then the Civil Court should take a note of the pendency of writ petition before this Court.

(HITEN S. VENEGAVKAR, J.) (SMT. VIBHA KANKANWADI, J.)
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AAA/-