

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 4922 OF 2014

Shri Ranjit Bansilal Oswal	...	Petitioner
V/s.		
Karjat Municipal Council, Through its Chief Executive Officer & ors.	...	Respondents

Mr. S.V. Pitre for the petitioner.

Mr. P.P. Kakade, AGP for State.

Mr. Vijay Pandey i/b. Virendra S. Jabra for respondent no.4.

**CORAM : NARESH H. PATIL AND
S.B. SHUKRE, JJ.**

22nd June, 2015.

P.C.

Heard learned Counsel for the parties.

2. The petitioners have raised issues which involve disputed questions of facts. It is further submitted by learned Counsel that brother of petitioner has approached Civil Court by filing a Suit where the petitioner is one of the defendant in respect of same subject property. The issues (i) as to whether the suit property belongs to the petitioner, (ii) Whether the petitioner had constructed on a portion owned/possessed by the petitioner and (iii) whether the application filed by the petitioner was properly filed in accordance with the provisions of MRTP Act, 1966 would

be dealt with by a fact finding forum.

3. In exercise of writ jurisdiction under Article 226 and in the facts of the case we are not inclined to interfere into the matter. All issues on merits are kept open. Writ Petition is disposed of with liberty.

(S.B. SHUKRE, J.)

(NARESH H. PATIL, J.)

L.S. Panjwani, P.S.