

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

CRIMINAL WRIT PETITION NO.913 OF 2014

(Rajnagar Bahu-Uddeshiya Sanstha and another vs. The State of Maharashtra and others)

Office Notes, Office Memoranda of
Coram, appearances, Court's orders Court's or Judge's orders
or directions and Registrar's orders.

Shri H.M. Sakhare, Advocate for petitioners.
Smt. M.H. Deshmukh, Additional Public Prosecutor
for respondent no.1.

CORAM : A.B. CHAUDHARI AND
 P.N. DESHMUKH, JJ.

DATED : JANUARY 30, 2015

Heard learned Counsel for the petitioners.

The reliefs prayed for by the petitioners
cannot be granted in the extra-ordinary writ
jurisdiction since learned Counsel for the petitioners
has candidly stated before us that there is no
document of ownership of open space on which
activities are intended to be carried out. The learned
Counsel for the petitioners submits that the activities
are being carried out for last 24-25 years and,

therefore, same should not be disturbed.

We do not think that merely because activities were being carried out for last 24-25 years, there is a legal right vested in the petitioners to seek any relief by way of present criminal writ petition. However, we think that the petitioners should be relegated to alternate remedy of approaching the Civil Court since there is a dispute about ownership and entitlement of the petitioners to exercise any right over the open space. We, therefore, make the following order :

Order

Criminal Writ Petition No.913/2014 is not entertained for the reliefs claimed therein. However, the petitioners are at liberty to approach the Civil Court in view of disputed questions regarding ownership, possession and entitlement of the petitioners over the property in question.

JUDGE

JUDGE