

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

WRIT PETITION NO. 6094 OF 2015

Mr. Kashinath Sahebrao Hande ... Petitioner

V/s.

The State of Maharashtra & ors. ... Respondents

Dr. R.P. Sabban for the petitioner.

Mrs. M.P. Thakur, AGP for respondents 1 to 3.

Mr. I.M. Khairdi for respondent no.4.

Mr. S.S. Shah for respondent no.5.

**CORAM : NARESH H. PATIL AND
M.S. KARNIK, JJ.**

30th November, 2016.

P.C.

The petitioner's grievance is that he is owner of the property on which respondent is constructing a school. The said property was reserved in the Development Plan for school.

2. The Counsel appearing for respondent no.5 submits that two storeyed are already constructed. A town planning scheme was

implemented. The petitioner has no concern with the subject land. At a belated stage the petitioner is approaching this Court on the basis of his claim as owner of the said property.

3. Learned Counsel appearing for Corporation submits that subject land was acquired on 16th June, 1941 and land owner was paid with compensation in the year 1943 and resolution was passed by the Corporation to develop the property for running a school in the year 2009, building permission was given on 1st February, 2011 and petition is filed in the year 2015.

4. Without expressing any opinion on the contentions raised and allegations made by the petitioner, we observe that we are not inclined to entertain the petition in exercise of our writ jurisdiction. However, the petitioner may resort to appropriate alternate remedy as permissible in law. Petition is disposed of.

(M.S. KARNIK, J.)

(NARESH H. PATIL, J.)