

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10887 OF 2016

Shri Kundalik Kashinath Dorge. ... Petitioner.
V/s.
The State of Maharashtra and others. ... Respondents.

S.M.Gorwadkar, Senior Advocate with S.M.Sabrad for the petitioner.

Mrs.M.P.Thakur, AGP for the State.

**CORAM : DR.MANJULA CHELLUR, C.J.
AND M.S.SONAK, J.**

DATE : 3rd October 2016.

PC. :

1] The petitioner is before us contending that his lands were neither the subject matter of any acquisition proceedings nor are they mentioned in the award pertaining to the acquisition in question. He further claims that he is in continuous possession and enjoyment of the lands in question, as absolute owner of the same.

2] The aforesaid contentions of the petitioner are denied by the learned AGP who appears for the State. She submits that the lands in question were acquired for distribution to project affected persons.

3] In exercise of our jurisdiction under Article 226 of the Constitution of India, we are not inclined to adjudicate upon disputed questions of fact relating to title and factum of possession. Issues whether the lands in question form the subject matter of the acquisition or not, measurements, demarcation, boundaries and identity of the lands in question, are all questions, which have to be determined with reference to title documents, revenue records, documents pertaining to acquisition proceedings etc. These are not matters which can be ordinarily adjudicated in proceedings under Article 226 of the Constitution of India.

4] Accordingly, we decline to entertain this writ petition. However, the petitioner is at liberty to institute appropriate proceedings before the civil court in order to establish or protect his rights, if any, in relation to the lands in question.

5] With liberty as aforesaid, this writ petition is disposed of.

(M.S.SONAK, J.)

CHIEF JUSTICE