

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

CRIMINAL WRIT PETITION NO. 4198 OF 2014

Jineshwar Co-operative Credit
Society Limited through its
Chairman ... Petitioners

V/s.

The State of Maharashtra & others ... Respondents

Mr. Ramesh Rammurthy a/w. Saikumar Rammurthy for the petitioner.

Mrs. M.M. Deshmukh, APP for the State.
Mr. V.G. Bagade for respondent no.2.

**CORAM : NARESH H. PATIL AND
PRAKASH D. NAIK, JJ.**

15th October, 2016.

P.C.

Learned Counsel appearing for petitioners submits that EOW be directed to hand over plot of land of Credit Society to the petitioners as respondent no.2 had encroached upon the property owned by the petitioners. EOW did not bother to protect the properties of the petitioners. Learned Counsel appearing for respondent no.2 submits that under the MHADA scheme the properties were developed. The counsel

denied allegation that respondent no.2 encroached upon the property owned by the petitioners and developed the same.

2. From the submissions advanced by learned APP we find that EOW itself is not very sure as to which properties were attached, encroached upon and what is the status of the encroached property.

3. We direct the EOW authorities to maintain proper survey of properties under attachment. Without expressing any opinion on the issue raised, we observe that the petitioner may resort to alternate appropriate remedy as may be available in law relating to the properties under attachment by EOW.

4. It is not a fit case to exercise our writ jurisdiction. Petition stands disposed of.

(PRAKASH D. NAIK, J.)

(NARESH H. PATIL, J.)