IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 1193 OF 2013
WITH
CHAMBER SUMMONS NO. 110 OF 2014

Ratanlal Permeshwar Kaushal and Ors.	}	**Petitioners**
versus		
State of Maharashtra and Ors.	}	**Respondents**

Mr. S. P. Srivastava for the Petitioners.

Ms. Iman K. Calcuttawala – AGP for Respondent Nos. 1 and 4.

Mr. Kamlesh Ghumre for Respondent Nos.2, 3 and 5.

Ms. Krishna Raja i/b. M/s. L. J. Law for Respondent No. 9.

Mr. Milind Sathe – Senior Advocate with Mr. Mayur Khandeparkar, Ms. Kirtida Chandarana and Ms. Smiti Tewari i/b. Mr.Mehernosh Humaranwala for Respondent No. 10.

CORAM :- S. C. DHARMADHIKARI &
G. S. PATEL, JJ.

DATED :- JANUARY 28, 2016

P.C. :-

After having heard the Petitioners' Advocate at some length and perusing the reply affidavit of the contesting Respondent No. 10, it is apparent that the Petition raises disputed questions of fact. Firstly, whether the property, which is slum

like structures is a declared slum and under what law, if it is not so, then, if it is a private property and any right as occupants of certain structures on this property are to be obtained by the Petitioners and others on the strength of individual agreements in their favour executed by Respondent No. 10, any breach or violation thereof or refusal to execute such agreements are all matters which can be raised and properly before the competent Civil Court in a properly instituted Suit. The Petitioners can then claim substantive rights in their favour and relying on agreements, copies of which are annexed to the Petition. They can also meet the contrary allegations. The allegations in the Petition and the contentions raise disputed questions of fact, which cannot be resolved in our limited jurisdiction. The Petitioners have adequate and efficacious remedy of Suit as above. The Writ Petition is, therefore, dismissed. In the light of the dismissal of the Writ Petition, the Chamber Summons does not survive and is disposed of as such.

(G.S.PATEL, J.) (S.C.DHARMADHIKARI, J.)