

BDPPS

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.436 OF 2016**

Smt Kasim B. Sherkhan

.....Petitioner.

V/s

State of Maharashtra & Others

..... Respondents.

Mr. Navin Tiwari for the Petitioner.

Mr. S.J. Saluja, AGP for Respondent Nos.1, 5 and 6.

Mr. D.A. Nalawade for Respondent No.3.

Mr. P.G. Lad for Respondent No.4.

Mr. Madhur S. Surana Applicant in Chamber Summons No.41 of 2016

**CORAM: V. M. KANADE &
M.S. KARNIK, JJ.**

DATE: 15th April, 2016.

P.C.:-

1. By this Petition which is filed under Article 226 of the Constitution of India, Petitioner is seeking an appropriate writ, order and direction directing Respondent Nos. 2 to 7 not to take coercive steps against the Petitioner and demolish the structure in which the Petitioner is residing. It is an admitted position that the Petitioner's name is not shown in Annexure-II which is prepared by the Competent Authority under the SRA Act. Petitioner has not challenged non-inclusion of his name by filing an appeal before the appropriate authority. Petitioner, therefore has an alternate efficacious remedy of

filing an appeal against the said non-inclusion of his name in Annexure-II. Writ Petition is therefore not maintainable.

2. Writ Petition is disposed of on the ground that it is not maintainable, reserving the right of the Petitioner to exhaust alternative remedy which is available to him, namely, filing of appeal.

(M.S. KARNIK, J.)

(V.M. KANADE, J.)