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

WRIT PETITION NO.1623 OF 2016

Baljitsingh Dilipsingh Bedi

.. Petitioner

Vs.

Municipal Corporation for Greater
Mumbai and ors.

.. Respondents

Mr. N. P. Bhavsar for petitioner.
Ms. Vandana Mahadik for MMC.

CORAM: NARESH H. PATIL &
M. S. KARNIK, JJ.

NOVEMBER 28, 2016.

P.C.

1. The petitioner's grievance is that right of way to reach to his Chawl where he resides has been blocked by the respondents as the same is covered by unauthorized constructions erected in the so called Galli as described in the representation submitted by the petitioner to the Corporation in the year 2013. It is further submitted that in past, civil suit filed by the petitioner came to be decreed and suit filed by the otherside i.e. S.C. Suit No. 234 of 2008 was dismissed. However, the plaintiffs therein were granted liberty to get their area measured on the basis of Deed

of Conveyance dated 5/2/1972. Learned counsel submits that the part of the Galli area belongs to the petitioner which has been encroached upon.

2. The issues raised in the petition call for leading of evidence and appreciation of questions of fact which would only be gone into before the forum conferred with the jurisdiction for entertaining such cause of action.

3. In the facts, we are not inclined to entertain the petition by exercising our writ jurisdiction. However, petitioner is at liberty to takeout appropriate proceedings in accordance with law. Keeping all issues on merits open, petition is disposed of.

(M. S. KARNIK, J.)

(NARESH H. PATIL, J.)