

FARAD CONTINUATION SHEET

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.127 OF 2016

Office Notes, Office
memorandum of Coram,
appearances, Court's
orders or directions &
Registrar's orders.

Court's or
Judge's orders.

Shri Vishal Kanade i/b Shri Tushar Goradia for the Petitioner.
Shri Vinay Bhanage i/b M/s. Utangale & Co for the Respondent Nos.1 to 3.

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CORAM : A.S. OKA &
SMT.ANUJA PRABHUDESSAI, JJ
DATED : 1ST DECEMBER 2016

P.C.:

. Heard learned counsel appearing for the Petitioner. The allegation made in the Petition is that the first Respondent has made encroachment on the property claimed by the Petitioner.

2. For deciding the issue whether the first Respondent has carried out encroachment, a boundary dispute will have to be resolved. In our view, appropriate remedy for the Petitioner is to file a Civil Suit for removal of the encroachment. We, therefore, decline to entertain this Petition under Article 226 of the Constitution of India. However, the remedy of the Petitioner is kept open.

(SMT.ANUJA PRABHUDESSAI, J)

(A.S.OKA, J)