

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.3165 OF 2016

[Mr. Wasudeo s/o Kawduji Wajigi .vs. Additional Collector (Revenue), Nagpur and others]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

None for the petitioner,
Shri A.M. Balpande, AGP for respondent nos. 1 to 3.

.....

CORAM : SMT. VASANTI A. NAIK AND
MRS. SWAPNA JOSHI, JJ.

DATED : JULY 04, 2016.

We have perused the writ petition and have heard the learned Assistant Government Pleader on behalf of the respondent nos.1 to 3.

By this writ petition, the petitioner seeks a direction against the respondent no.4 - Chief Executive Officer, Municipal Council, Ramtek to remove the encroachment made by the respondent no.5 on the property of the petitioner.

It appears that the petitioner and the respondent no.5 are next-door neighbours. It is the case of the petitioner that the respondent no.5 has made some illegal construction and has also encroached upon 4.18 sq. meter of land on the plot of the petitioner in C.T.S No.1574. It is stated that though the petitioner has made a grievance in respect of the encroachment on his plot by the respondent no.5, the respondent no.4 – Municipal Council has not taken any action against the respondent no.5.

The issue involved in this case cannot be decided in exercise of the writ jurisdiction. The dispute pertains to the encroachment of the property that is claimed by the petitioner to belong to him. It is the case of the petitioner that the respondent

no.5 has encroached on a part of plot of land belonging to the petitioner. If that be so, it would be necessary for the petitioner to approach a civil court to seek the appropriate relief. It would not be proper for this court to decide the issue in regard to encroachment on a private property of the petitioner, in exercise of the writ jurisdiction.

In view of the aforesaid, we dismiss the writ petition with no order as to costs. The points raised in the petition are kept open.

JUDGE

JUDGE

Gulande