

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

CRIMINAL WRIT PETITION No. 874/2015.

Smt. Vanita Kailasrao Sontakke and another.

-VERSUS-

The State of Maharashtra and others.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

CORAM : B. P. DHARMADHIKARI
& A.S. CHANDURKAR, JJ.

DATE : OCTOBER 03, 2016.

Heard Shri A.S. Mardikar, learned Senior Counsel with Shri S.G. Joshi, learned Counsel for the petitioners and Shri J.Y. Ghurde, learned A.P.P. for respondent no.1.

2. Prayer in present Writ Petition is for issuance of directions to respondent no.1 to register an offence on the basis of report dated 17.10.2015, lodged by the petitioners. It is submitted on behalf of the petitioners that they apprehend forcible dispossession at the hands of respondent nos. 2 and 3, who are related to them.

2

3. By referring to the averments made in the Writ Petition, it is further submitted that respondent nos. 2 and 3 have demolished toilet and bathroom, and have further started digging pits in front of their residential house.

4. Learned A.P.P. appearing on behalf of respondent no.1 has relied upon the reply affidavit, and has submitted that there is a civil dispute between the parties, and the assertions made in the writ petition do not form part of report dated 17.10.2015.

5. After hearing the respective counsel, we find that various disputed questions arise. The possession of petitioners in the tenanted premises is not in dispute. A civil suit between the petitioners and respondent nos. 2 and 3 is pending. Considering the nature of dispute, we grant opportunity to petitioners to take such appropriate steps as are available to them in law to seek redressal of their grievance.

6. In view of above, Writ Petition is disposed of. No costs.

JUDGE**JUDGE**

Rgd.

CERTIFICATE

I certify that this judgment/order uploaded is a true and correct copy of original signed judgment/order.

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Pvt. Sec.