

WRIT PETITION NO. 4025 OF 2017

- Mr.S.G. Deshmukh i/b. Mr.R.M. Haridas for the Petitioners.
- Mr.Sham V. Walve for Respondent No.3.
- Mr.Raeed Kazi i/b. Mr.S.V. Marne for Respondent No.4.

DATE : 24th APRIL, 2017.

1] The Petitioner filed Regular Civil Suit No.636 of 2012 before 4th Joint Civil Judge J.D., Vashi. The suit was partly decreed on 30th April, 2016 and following order was passed;

- “i) The suit is partly decreed.*
- ii) The defendant is restrained by way of permanent injunction from demolishing the houses bearing New Nos.1682, 1683, 1684 (Old nos.1486, 1487 and 1488) of village Koparkhairane, Sector-5, Navi Mumbai, by evicting the plaintiff from them without following due procedure of law till decision of the State Government/ Competent authorities on the proposal of regularization.*

- iii) *The reliefs which are not specifically granted are deemed to be rejected.*
- iv) *Parties to bear their own costs.*
- v) *Decree be drawn up accordingly.”*

2] Learned counsel for the Petitioners submits that in spite of Civil Court's order, the Petitioners lost the possession to Respondent Nos.2 and 3. Learned counsel for Respondent No.3 submits that in Auction proceedings subject plot was purchased by Respondent No. 3 by paying more than Rs.7.50 crores against the total consideration of more than Rs.13.00 crores. Respondent No.3 claims to be in possession.

3] The disputed question of the facts cannot gone into the writ jurisdiction of this Court.

4] It is clarified that, we have not expressed any opinion on the merits of the matter. All issues on merits are kept open.

5] Writ Petition is disposed of.

[DR.SHALINI PHANSALKAR-JOSHI, J.]

[NARESH H. PATIL, J.]