

mm

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 4070 OF 2016

Digambar Shivaji Gawand & Ors. ...Petitioners
Vs.
Thane Municipal Corporation & Ors. ...Respondents

Mrs. Prabha Badadare, Advocate for the Petitioners
Mr. N.R. Bubna, Advocate for Respondent Nos. 1 & 2 TMC

**CORAM : B.R.GAVAI &
M.S. KARNIK, JJ.
DATED: 14TH AUGUST, 2017**

P.C.:

1. It is the contention of the the Petitioners that the Respondent Corporation has constructed the toilets on the land belonging to the Petitioners.
2. The learned Counsel for the Respondent Corporation disputes this position and states that the land is not belonging to the Petitioner. It could thus be seen that the Petition involves various disputed questions of facts and law which cannot be gone into under Article 226 of the Constitution of

India. If the Petitioners so desire the Petitioners are at liberty to take alternate remedy available under law.

3. The Petition is rejected as alternate remedy is available for the Petitioners in law.

(M.S. KARNIK, J.)

(B.R.GAVAI, J.)