

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4881 OF 2015

Abdul Rauf Abdul Sattar and others. ... Petitioners.
V/s.
District Collector, Thane and others. ... Respondents.

Vinamra Kopariha for the petitioners.
P.G.Sawant, AGP for the State.
K.K.Kathait i/b. K.T.Jain for respondent No.3.

**CORAM : DR.MANJULA CHELLUR, C.J.
AND G.S.KULKARNI, J.**

DATE : 23rd January 2017.

PC. :

The petitioners approached this Court challenging the proposal of the respondent authorities and the demolition made by them under the National Highways Act. There was no interim order of any nature restraining such action on the part of the respondent authorities so far as demolition is concerned. Apparently, demolition of the building, which was in existence, for the purpose of widening of national highway was already accomplished in the month of May 2015.

2. In the above circumstances, the relief sought so far as direction to the respondents not to proceed with demolition of the building has become infructuous.

3. Learned counsel for the petitioners submits that apart from the building and the land required for widening of the national highway in question, other portion of the building was also demolished which was not at all required for widening of the road as it was beyond the required area. According to the respondents, the persons who are in possession of the building or in occupation of the land were encroachers of this land or the building. However, the petitioners are not raising any contention regarding possession or any right or how they acquired the land or how they came into possession of the land or the building. Such exercise is not required in this proceeding.

4. If the demolition of the building or other structure beyond the required area for widening of the the road gives right to the petitioners to claim any relief against the respondent authorities before any forum, they are at liberty to pursue the same. However, in the present proceeding, it would be beyond the scope of the *lis* raised in the writ petition. Accordingly, the petition is disposed of.

(G.S.KULKARNI, J.)

CHIEF JUSTICE