

Sharayu.

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

WRIT PETITION NO. 1216 OF 2015

Shri Ramesh Virsen Pawar & Ors. ..Petitioners

Versus

The Collector, Satara & Ors. ..Respondents

Mr. Sugandh Deshmukh, for the Petitioners.

Mr. A.P. Vanarase, AGP, for the Respondent-State.

Mr. A.L. Gore, i/b Ms. Adity S. Desai, for
Respondents No. 7 and 8.

**CORAM : SMT. VASANTI A NAIK AND
 RIYAZ I. CHAGLA, JJ.**

DATE : 31 October 2017

ORDER :

By this writ petition, the petitioners seek a direction against the respondent authorities to remove the unauthorized construction made by the respondent Nos. 5 to 8 and 11 on field survey Nos. 18A/6 and 18/6. The petitioners seek a direction against the respondent Nos. 5 to 8 to provide the access road to the petitioners to the old Pune Satara Highway through the survey numbers, mentioned hereinabove.

It is stated on behalf of the petitioners

that though the petitioners have complained to the respondents-authorities about the illegal construction made by the respondent Nos. 5 to 8 and 11 on the field bearing survey Nos. 18A/6 and 18/6, the respondents have not taken any action except issuing the notice under the Maharashtra Land Revenue Code, 1966. It is stated that the petitioners have a right of way through the fields of the respondent Nos. 5 to 8 and 11 and the right of way of the petitioners is obstructed, in view of the illegal construction.

We are afraid that the relief sought by the petitioners may not be granted in exercise of the writ jurisdiction. If the petitioners claim to have a right of way through the agricultural property of the respondent Nos. 5 to 8 and 11 and if the respondents have denied the said right to the petitioners, the petitioners have a remedy of filing a suit. The issue whether the respondent Nos. 5 to 8 and 11 have wrongfully obstructed the petitioners from using the way through the fields of the concerned respondents could be appropriately decided in a civil suit. In the circumstances of the case, it would not be proper to grant the prayer made in the writ petition.

Hence, we dispose of the writ petition with no order as to costs.

The points raised in the petition are however, kept open.

[RIYAZ I. CHAGLA J.]

[SMT. VASANTI A NAIK, J.]