

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 9827 OF 2015

Shri Mukund Donduji Khairnar .. Petitioner
V/s
State of Maharashtra & Ors. .. Respondents

Mr. Prakash Ahuja i/b Mr. Anil Ahuja for the petitioner.
Mr. V.N. Sagare, AGP for the State.
Ms. Sayali Bhaidkar i/b Mr. M.L. Patil for respondent nos.3 and 4.

**CORAM: DR. MANJULA CHELLUR, CJ. &
M.S. SONAK, J.**

DATE : 30th OCTOBER 2017

P.C.:

After hearing the learned counsel for the petitioner for a while and especially after perusal of the reply affidavit filed on behalf of the Corporation and particularly paragraph 10 onwards, we are of the opinion that there is a serious dispute with regard to existence of a fact, i.e. possession of land of the petitioner being with the respondent Corporation which is used as a D.P. Road.

2. According to the petitioner, the Corporation has already made use of the land in Survey No.8/2 belonging to the petitioner for the purpose of formation of D.P. Road, but no compensation is paid. This is categorically denied by the Corporation by filing their

affidavit saying they are not at all in possession of land in Survey No.8/2 and no portion of this Survey No.8/2 is being used for formation of D.P. Road. Under these circumstances, probably the relief to be sought by the petitioner lies somewhere else and not in this Court.

3. Learned counsel for the petitioner seeks leave to withdraw the writ petition with liberty to approach the right forum.

4. We permit the petitioner to withdraw the writ petition reserving liberty to him to approach the proper forum in a proper manner. The writ petition is accordingly disposed of.

(M.S. SONAK, J.)

CHIEF JUSTICE