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

WRIT PETITION NO.2089 OF 2017

Sakar Ekta Manch	...	Petitioner
V/s.		
State of Maharashtra and ors	...	Respondents

Mr. Himanshu Kode I/by V.G. Kulkarni, for
the Petitioner.

Mr. Ketan Joshi, for Respondent No.2.

Mr S.C. Mangle, I/by Mr. H.A. Sathe, for
Respondent Nos. 4 and 5.

**CORAM : NARESH H. PATIL &
DR.SHALINI PHANSALKAR-JOSHI, JJ.**

DATE : 3rd MAY, 2017.

P.C. :

1] The petitioner prays for following substantial reliefs :-

“(a) That this Hon'ble Court be pleased to pass an order
thereby issuing a writ of mandamus against the
Respondent Municipal Council and Developer to open the
30 feet access approach road coming from Satyakamal
Colony as per the approved sub division layout and as per
the NA order layout and be pleased to further direct the
Respondent Municipal Council to take possession of the
said road for maintenance.

(b) That this Hon'ble Court be pleased to pass an order

thereby issuing a writ of mandamus against the Respondent Municipal Council to remove the illegal construction of wall which is constructed on 30 feet access road and be pleased to pass an order thereby restraining Respondent No.6 to 16 from carrying out any construction and disturbing the peaceful possession of the access road of the project.

(c) That this Hon'ble Court be pleased to pass an order thereby issuing a writ of mandamus against the Respondent Municipal Council and Developer thereby directing them to correct the wrongly installed internal water pipes and provide the water supply from the approved route and at adequate pressure.

2] Counsel for Respondent Corporation submits that in fact it is a dispute between the builder-developer and the original land owners in respect of the internal road of the colony. Learned counsel for the petitioner submits that the petitioner society seeks direction to allow them to use internal road. Counsel submits that in the approved plan though access road is shown and demarcated, it is not made available to them. The Counsel for respondent corporation submits that there is another road which provides access to the building. All these issues relate to factual aspects of the matter.

3] In the facts, no interference is warranted in exercise of writ jurisdiction of the Court. It would be appropriate if the petitioner resorts to appropriate alternate remedies as are permissible in law. All issues on merits are kept open.

4] Petition is disposed of in above terms.

[DR.SHALINI PHANSALKAR-JOSHI, J.] [NARESH H. PATIL, J.]