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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION LODGING NO. 752 OF 2017

Kantadevi wd/o Ramgopal Sharma

.. Petitioner

Vs.

The State of Maharashtra and anr.

.. Respondents

Mr. A. M. Saraogi for petitioner.

Ms. Kejali Mastakar for respondent no.2 – Corporation.

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

MARCH 27, 2017.

P.C.

1. Petitioner prays for following relief :-

(a) that this Hon'ble Court be pleased to issue appropriate writ order and direction directing the Respondents to forthwith take necessary action in respect of the complaints made by the Petitioner vide letter dated 9th March, 2017 and as also by letter dated 14th March, 2017 in accordance with law and within such period as this Hon'ble Court may deem fit and proper.

2. Petitioner contends in paras 3 and 4 of the petition as under :

“3. The Petitioner states that there is also a litigation pending in respect of the said property before the City Civil Court, Mumbai as regards to the title in respect of the said property and accordingly, the Petitioner crave leave to refer to and rely upon copy of the said proceedings as and when produced.

4. The Petitioner states that somewhere in the year 2015 or so, one Mr. Popat Ghanavat who claims himself to be from scheduled caste made an attempt to illegally encroach upon the said property and started illegal construction. In view of the said facts, the Petitioner made necessary complaint with the Respondents and thereafter, also filed a Writ Petition before this Hon'ble Court being Petition No. 2079 of 2015 which is pending for consideration and accordingly, the Petitioner crave leave to refer to and rely upon copy of the said Petition as and when produced.

3. The contention of the petitioner is that the illegal constructions is required to be removed.

4. In the facts of the case, considering the record placed before us and the submissions advanced, we are of the view that petitioner may resort to alternate remedies as permissible in law. All issues on merits are kept open. At this stage, in exercise of writ jurisdiction, no interference is warranted.

5. Petition is disposed of accordingly.

(DR. SHALINI PHANSALKAR-JOSHI,J.)

(NARESH H. PATIL,J.)