

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 2496 OF 2016**

M/s. M.R.P Enterprises & anr.

..Petitioners

Vs.

The Collector, Mumbai Suburban District & ors...Respondents

Mr. A.G. Damle, Sr. Advocate i/b. Mr. Z.H. Zaidy, for the Petitioners.

**Mr. Rajesh Gehani a/w. Mr. Mahendra Agvekar a/w. Ms. Sujal V, for the
Respondent No. 3.**

Mr. H.R. Haryan, AGP, for the Respondent Nos. 1 and 2 State.

**CORAM : R. M. SAVANT, J &
SMT.SADHANA S. JADHAV,J
DATE : 20th JUNE, 2017**

P.C.

1 The above Petition challenges the demarcation carried out by the Respondent No. 2 herein of the land in question. It is the submission urged on behalf of the Petitioners that taking advantage of the demarcation, the Respondent No. 3 herein has done some acts, which are prejudicial to the rights of the Petitioners. The issue of demarcation has a chequered history in as much as in the earlier round in Writ Petition (L) No. 9 of 2014 a Division Bench of this Court by order dated 24/7/2014 directed the Authorities to carry out the demarcation. It is recorded in the said order that Civil Suits are pending between the Petitioners and the Respondent No. 3 and various issues

are involved in the said suits including entitlement of the parties to the immovable properties in question. The said Order dated 24/7/2014 passed in the said Writ Petition being not complied with by the authorities, the Respondent No. 3 herein had filed Contempt Petition No. 38 of 2015 which had come up before a Division Bench of this Court. The Division Bench whilst considering the said Contempt Petition recorded the statement made on behalf of the learned AGP appearing in the said Contempt Petition, which was to the effect that the direction contained in the Orders dated 12/9/2013 and 24/7/2014 would be carried out i.e. demarcation of the subject plot would be carried out within 10 days from the said date. It is in terms of the said assurance, demarcation was carried out and completed in respect of which a report is submitted by the Respondent No. 2. In our view, if the Petitioners have any grievance in respect of the demarcation, there are remedies in the hierarchy mentioned in the Maharashtra Land Revenue Code. It is therefore, not necessary for this Court in its writ jurisdiction to dwell into the merits of such demarcation.

2 So far as the alleged acts of the Respondent No. 3 are concerned, since Civil Suits are pending between the parties, it is for the parties to seek appropriate reliefs in the said Suits in respect of their grievances.

3 With the aforesaid observations, the Writ Petition is disposed of. Needless to state that disposal of the Writ Petition would not come into the way of the Petitioners to adopt appropriate remedies against the Respondent No. 3. It is made clear that the contentions of the parties are kept open, to be urged before the appropriate Court/forum.

[SMT.SADHANA S. JADHAV,J]

[R.M.SAVANT, J]