

dik

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

WRIT PETITION NO. 4656 OF 2018

Baby Kamil Fernandes ...Petitioner.
VS
Prasannakumar Arvind Mayekar & Ors. ...Respondents

.....
Ms Varsha Palav i/b The Laureate for the Petitioner.
Mr S.M.Railkar for Respondent No.1.
Mr S.H.Kankal AGP for Respondent Nos.5 to 9.
.....

**CORAM : R.D.DHANUKA, J.
APRIL 19, 2018.**

P.C. :

By this petition under Article 227 of the Constitution of India, the petitioner has impugned the order dated 16th January, 2015 passed by Respondent No.6.

2 The petitioner claims to be the owner of House No. 1991 situated at Kotewada, Malvan, Tal. Malvan, Dist:- Sindhudurg.

3 The petitioner filed various proceedings in respect of the suit property and was unsuccessful all throughout. After the title of the father of the petitioner lost in all the proceedings, he sought title by adverse possession by filing

a civil suit. The said suit was dismissed by an order dated 24th October, 1997. Father of the petitioner preferred an appeal against the said order before District Court, Sindhudurg bearing Regular Civil Appeal No.112 of 1997. The said appeal came to be partly allowed. Insofar as the findings of facts rendered by the learned Trial Court that the father of the petitioner had failed to prove title by adverse possession is concerned, the said finding came to be confirmed. Then petitioner filed an application for N.A. permission. The said application was also rejected. The respondent thereafter made an application for demolition of the impugned structure. None of the three authorities interfered with the proceedings filed by the petitioner against the order of demolition passed in favour of the respondent.

4 I have heard Ms Palav, learned counsel for the petitioner in detail and has perused the documents and pleadings on record.

5 All the authorities have rendered the findings of fact that the title of the suit property is not proved by the

father of the petitioner. The findings of the District Court, Sindhudurg that the father of the petitioner had failed to prove the title by adverse possession, is not further challenged by the petitioner in this court.

6 In my view the findings of the authorities which are not perverse cannot be interfered in this petition filed under Article 227 of the Constitution of India. The petition is devoid of merit and the same is accordingly dismissed. No order as to costs.

(R.D.DHANUKA, J.)