

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

WRIT PETITION NO. 11963 of 2017

Rahul Kardage ... Petitioner

V/s.

Asst. Director Town Planning
Kolhapur Municipal Corporation ... Respondents

Mr. Yuvraj P. Narvankar for the petitioner.

Mr.S.S. Patwardhan for respondent no.2.

**CORAM : NARESH H. PATIL, ACTING C.J.
& G.S. KULKARNI, J.**

3rd October, 2018.

P.C.

We have heard the learned Counsel appearing for petitioner for quite sometime. Perused the record. We find that petitioner claims to be owner of the subject strip of land which is now being used as a DP road.

2. The petitioner is at liberty to resort to alternate appropriate remedy in the Civil Court exercising his right as a owner against persons who are using the road.

3. It is submitted that petitioner claims to be developer and Power of Attorney holder of the original owner. As and when the petitioner will be in a position to establish his claim before the Civil Court and in case orders are passed by Civil Court in favour of the petitioner, the petitioner may apply alongwith owner for revival of this petition.

4. Without expressing any opinion on merits of the case, writ petition stands disposed of. All issues on merits are kept open.

G.S.KULKARNI, J

ACTING CHIEF JUSTICE

L.S. Panjwani, P.S.