

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

Writ Petition NO. 4895 OF 2018

Vithal Govind Pardeshi

...Petitioner

Versus

The Assistant Divisional Engineer (M) And Anr. ...Respondents

Mr.Omer M.Kadu h/f. Mr.D.G.Dhanure, for the Petitioner.

Mr.N.D.Sharma, for the Respondents-Central Railways.

**CORAM : NARESH H. PATIL AND
G.S. KULKARNI, JJ.****DATE : 20th APRIL 2018****P.C.:**

1. The learned Counsel for the respondents submits that the suit structure is illegal, it was erected on the property owned by the railways, there is no document of title produced on record.

2. The petitioner is raising disputed question of facts which cannot be gone into in the writ petition under Article 226 of the Constitution of India. In the facts and circumstances of the case, we find that the petitioner will have to establish his right and title to the subject plot on which the petitioner claims to have constructed a huge immovable structure. In the facts of the case, we are not inclined to enter into and to decide the title of the subject property ascertaining

rights and liabilities of the parties. The petitioner has efficacious alternate remedy in law. The petitioner is at liberty to resort to alternate remedy as may be available under the law.

3. Without expressing any opinion on merits of the matter, we dispose of this writ petition.

4. The status quo as of today is continued for a period of one week to enable the petitioner to adopt appropriate remedy.

[G.S. KULKARNI, J.]

[NARESH H. PATIL, J.]