

JPP

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

WRIT PETITION NO. 10228 OF 2014

Mr. Balkrishna Babu Gurav and Anr. ... Petitioners.

V/s.

Mr. Nilu Gangaram Gavade and Ors. ... Respondents.

Mr. Pradeep M. Patil a/w. Mr. Sachin D. Bagal for the Petitioners.
Mr. Venkatesh A. Shastry for Respondents 1 to 14.

CORAM : Ravindra V. Ghuge, J.

DATE : 15 March, 2018.

P.C. :-

1. I have considered the submissions of the learned Advocates for the respective sides. With their assistance, I have gone through the record available. I am apprised of the events that have occurred prior to the lodging of this Writ Petition.

2. It is undisputed that the old structure of the said temple has been removed and a new structure has been erected. It is also undisputed that certain trees have been chopped down. The dispute

is only as regards whether those trees were sold as fire wood and whether the sale proceeds have been pocketed by any of the trustees. It is well settled that disputed questions are normally not to be gone into by this Court while exercising its supervisory/revisional jurisdiction.

3. Since the proceedings initiated by these Petitioners were in view of the demolition of the old structure having been commenced, this Petition now has become infructuous as a new structure is erected.

4. The learned Counsel for the Petitioners submits that since this Petition is being disposed of as being infructuous, the Petitioners would avail off a remedy in so far as the alleged wrongful acts that have been committed by the Respondents.

5. Considering the above, this Petition is disposed of as being infructuous. Needless to state that, the Petitioners may resort to a remedy as is permissible in law in the event any other grievance survives.

(Ravindra V. Ghuge, J.)