

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
**WRIT PETITION NO.2320 OF 2017**

Sainath Seva Nagar Association & Others .... Petitioners  
Vs.  
State of Maharashtra & Others .... Respondents

Mr. A.J. Almeida for the Petitioners.  
Mr. B.V. Samant, AGP, for the Respondent-State.

**AND**  
**O.S. WRIT PETITION NO.97 OF 2017**

Dr. Babasaheb Ambedkar Rahivasi Sangh  
& Others .... Petitioners  
Vs.  
State of Maharashtra & Others .... Respondents

Mr. A.J. Almeida for the Petitioners.  
Ms Jyoti Chavan, AGP, for Respondent Nos.1 to 3 & 6.  
Ms Rishika Harish i/by Jayakars for Respondent No.5.

**CORAM:** S.C. DHARMADHIKARI &  
SMT. BHARATI H. DANGRE, JJ.

**DATE** : FEBRUARY 24, 2018

**P.C:**

1. In both these matters, if the petitioners claim that the area in their possession and occupation is not covered by the

Consent Terms dated 3-12-1979, copy of which is at Exhibit “G” to the Memo of Writ Petition No.2320 of 2017, and in the garb of execution and enforcement of these Terms, which are filed in O.S. Writ Petition No.1465 of 1975 {*E.P. Dinshaw Trust vs. The State of Maharashtra & Others*}, the State is trying to take away the land which the petitioners are occupying and to which they have a right, title and interest, then, we find that the remedy of the petitioners is not to question all this in writ jurisdiction. There is a clear dispute for the respondents to the petitions are not admitting any such act, as is attributed to them by the petitioners. Quite contrary, it is stated that the petitions are not maintainable. Secondly, the petitioners are seeking to reopen a controversy which has been already settled by this Court in the proceedings, the details of which are mentioned in paras 3 to 5 of the affidavit in reply, pages 85 & 86 of Writ Petition No.2320 of 2017. All the more, therefore, in these circumstances, we are disinclined to enter into any factual dispute. The petitioners must institute appropriate proceedings, including bringing a suit in a competent Civil Court. We do not

think that in writ jurisdiction any relief can be granted, particularly as prayed. Both the petitions are, therefore, entirely misconceived and disposed of.

2. We clarify that we have not expressed any opinion on the maintainability of any proceedings including the suit and all issues in that behalf are kept open.

(SMT. BHARATI H. DANGRE, J.)

(S.C. DHARMADHIKARI, J.)