

Sharayu Khot.

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO. 965 OF 2018

Sukhram Ramsakal Yadav

...Petitioner

Versus

State of Maharashtra & Ors.

...Respondents

Mr. B.P. Pandey, i/by Mr. V.B. Pandey, for the Petitioner.

Mr. Hemant Haryan, AGP, for the Respondent No. 1.

Mr. Abhijit Desai, for the Respondent No. 2.

Mr. Mahesh Mishra, i/by Ravi Thankar, for the Respondent No.3.

**CORAM : ABHAY S. OKA AND
RIYAZ I. CHAGLA, JJ.**

DATE : 18 July 2018

Sharayu
Pandurang
Khot

ORDER :

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by Sharayu
Pandurang Khot
Date:
2018.07.24
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1. In terms of the order dated 9th July 2018,
measurements were carried out by an officer of the Mumbai

Municipal Corporation which indicate that the Petitioner's structure was within the distance of 10 meters from the main water pipeline.

2. The learned Counsel appearing for the Petitioner states that the Petitioner is disputing the correctness of the measurements. The Petitioner states that his structure was outside the distance of the main pipeline.

3. We are of the view that this Petition involves several disputed questions of fact. Therefore, more appropriate and efficacious remedy for the Petitioner will be to file a civil suit.

4. We, accordingly, dispose of the Petition by granting liberty to the Petitioner to file a civil suit.

5. All contentions on merits are kept open.

[RIYAZ I. CHAGLA J.]

[ABHAY S. OKA, J.]