

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

WRIT PETITION NO.1467 OF 2017

Bablu Bhagwan Nayak & Others Petitioners

Vs.

State of Maharashtra & Others Respondents

AND

WRIT PETITION NO.1474 OF 2017

Swapankumar Nagnath Biswas & Anr. Petitioners

Vs.

State of Maharashtra & Others Respondents

Mr. O.R. Tiwari for the Petitioners.

Mr. M.A. Sayed, AGP, for the Respondents.

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

DATE : FEBRUARY 24, 2018

P.C:

1. The only argument of Mr. Tiwari is that, in the garb of the notices which are impugned in the petitions and though they contain the Survey Numbers or details of some other

property, the petitioners' structures may be demolished.

2. The stand of the petitioners, as reflected from the pleadings, would denote that this is a disputed question of fact. The petitioners claim to be entitled to a piece or parcel of land and the structure or building erected and standing on it. The petitioners say that some notices have been issued by the Authorised Officer to proceed against unauthorised construction on Government land/public property. In the garb of these notices, the petitioners' structures may be demolished, is the apprehension. The petitioners will have to bring a Suit to establish and prove their right, title and interest in the property including the structures. They can protect them from demolition by proving even *prima facie* their right, title and interest in the property. When such remedies are open, we need not entertain these writ petitions. They are disposed of.

(SMT. BHARATI H. DANGRE, J.)

(S.C. DHARMADHIKARI, J.)