FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders

WRIT PETITION NO.2872 OF 2012

MOHD. HISHAM YOUSUF OSMANI
VERSUS
THE STATE OF MAH. AND ORS
…
Advocate for the petitioner: Mr.S.S. Kazi
AGP for Respondent/State:Mr.S.M. Ganachari
Advocate for Respondent Nos.2, 5 and 6 :Mr.S.G. Chapalgaonkar
...
CORAM: S.S.SHINDE & SMT.VIBHA KANKANWADI, JJ.
Dated: March 25, 2019
…

At the outset, learned counsel appearing for Respondent Nos.2, 5 and 6 on instructions submits that the subject property has been demolished and steps have been taken for widening the road.

2. Upon perusal of the pleadings in the Petition, grounds taken therein and prayers, it is abundantly clear that the Petition raises disputed questions of

fact. There is also prayer seeking direction to Respondent Nos.2 and 3 to pay compensation.

3. In our considered view, filing of the present Writ Petition is not an appropriate remedy for the petitioner. If petitioner is advised, he may avail of an appropriate remedy as available in law keeping in view cause of action.

4. With the above observations, the Petition stands disposed of.

Needless to observe that in case the petitioner decides to avail of an appropriate remedy as available in law and in case there is delay in availing of such remedy, concerned Forum shall keep in view the time spent by the petitioner in prosecuting the present Petition.

(SMT.VIBHA KANKANWADI,J) (S.S.SHINDE, J)

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