

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.6495 OF 2019

MIR HASHAM ALI KHAN MIR BAHAR ALI KHAN THROUGH GPA
KACHRU BHIKAJI DABHADE
VERSUS
THE UNION OF INDIA AND OTHERS

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Advocate for Petitioner : Bhumkar R.P.
AGP for Respondents: K.B.Jadhavar
Advocate for Respondents 5 & 7:R.S.Deshmukh
Advocate for Respondent no.4 :D.D.Choudhari h/f J.R.Shah

**CORAM : S.V.GANGAPURWALA &
MANGESH S. PATIL, JJ.**

DATE : 10/06/2019

PER COURT :

Mr.Bhumkar, learned advocate for the petitioner submits that the petitioner is challenging no objection granted by Municipal Corporation and also letter of permission issued by respondent no.1. According to the learned counsel no objection is granted by the corporation on the basis of forged documents. Criminal case is also registered against respondent no.5 and the seller of the property to the respondent no.5. The learned counsel submits that the documents are forged is established by the fact that criminal case is registered.

2] Mr.Deshmukh, learned counsel submits that the petitioner had approached civil Court. Before civil Court petitioner could not get any

relief or injunction way back in the year 2015.

3] In the writ jurisdiction this Court would not enter into investigation about disputed question of facts, title and possession of the property. The petitioner has remedy open before civil Court to establish the title and to seek injunction or such other relief from the civil Court.

4] It is stated that the retail outlet is also commissioned. The learned counsel Mr.Deshmukh submits that the criminal case registered against respondent no.5 is false, the same is not in respect of this plot.

5] As there is dispute with regard to the title itself, it will not be possible for this Court to entertain the Writ Petition. The petitioner may take the proceeding before civil Court or such of the forum as may be permissible in law.

6] Writ Petition is disposed of. No costs.

(MANGESH S. PATIL,J.)

(S.V.GANGAPURWALA,J.)

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