

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.2385 OF 2019**

Shankar Pandurang Kumbhar ... Petitioner
Vs
The State of Maharashtra and Ors. ... Respondents

Mr.Ganesh Bhujbal for the Petitioner.

Mrs.Dr.Kirti Kulkarni, AGP for State-
Respondent No.1.

Mr.Rohit Sakhadeo for Respondent Nos.2
and 3.

**CORAM :- S. C. DHARMADHIKARI &
B.P.COLABAWALLA, JJ.**

DATE :- APRIL 2, 2019

P.C. :-

If there is a road which is being constructed and that too by a public body allegedly running through the property of the petitioner, the remedy is not to approach this Court in its writ jurisdiction, but to file civil suit in competent civil court alleging that the right, title and interest in the immovable property or land is affected by such interference. We do not think that in a factual dispute and particularly, when the respondent is not admitting that the road runs through the property of the petitioner, the writ petition should be entertained. The writ petition is entirely misconceived and is dismissed.

(B.P.COLABAWALLA, J.)

(S.C.DHARMADHIKARI, J.)