

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6873 OF 2013

Ramdas Baburao Chavan & Others Petitioners

Vs.

The Commissioner,
Pune Municipal Corporation & Others Respondents

Mr. Nitin P. Deshpande for the Petitioners.

Mr. R.S. Khadapkar for Respondent Nos.1 to 3.

Dr. (Mrs.) K.R. Kulkarni, AGP, for Respondent
No.6-State.

CORAM: S.C. DHARMADHIKARI &
M.S. KARNIK, JJ.

DATE : MAY 03, 2019

P.C:

1. Heard both sides.

2. The petitioners allege that their property has been taken over unauthorisedly and illegally by laying a road. They have not been paid any compensation.

3. On the other hand, the Municipal Corporation now

says that its officers have surveyed and measured the property, prepared a map, denoting that the road which is claimed by the petitioner to be passing through Hissa No.5, is an incorrect view or picture of the matter. The measurement of Hissa No.6 of Survey No.659 was directed to be carried out by the petitioners and thereafter the petitioners will have to establish that in the garb of laying a road in Hissa No.5, in fact, a substantive part of the road falls in the petitioner's property – Hissa No.6 of Survey No.659 and that is taken over illegally and unauthorisedly. The correctness of the measurement and the contents of the map are in issue. These are highly disputed matters and factual in nature. The petitioners' assertion to the contrary would have to be proved by approaching the Competent Civil Court. In the circumstances, granting that liberty, we dispose of this writ petition. We clarify that the rival contentions are not examined by us.

(M.S. KARNIK, J.)

(S.C. DHARMADHIKARI, J.)