

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6875 OF 2018

Mrs.Sarita Dnyanoba Kachi ... Petitioner

Vs

State of Maharashtra and Anr. ... Respondents

WITH
CIVIL APPLICATION NO.682 OF 2019

Mr.Shyam Kashinath Kachi and Ors. ... Applicants/
Interveners

In the Matter Between :-

Mrs.Sarita Dnyanoba Kachi ... Petitioner

Vs

State of Maharashtra and Anr. ... Respondents

Mr.Uday P. Warunjikar for the Petitioner.

Mr.Vaibhav V. Ugle for the Applicants in
Civil Application No.682 of 2019.

Mrs.A.A.Purav, AGP for State.

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

DATE :- MARCH 20, 2019

P.C. :-

1. By virtue of the statements made in the civil application
and the advocate for the applicants in that application stating

that the structure is already demolished, nothing survives in the writ petition and it is disposed of.

2. Mr.Warunjikar, however, disputes this statement and says that the oral statement made today on behalf of the applicants in civil application is not accurate. The petitioner is unable to access her premises on account of the works, which are illegally and unauthorizedly carried out in or around the same.

3. We do not think such a dispute can be resolved in writ jurisdiction. Whether the structure is entirely demolished or not and whether it is standing and because of that the petitioner is prevented from entering her own premises or has no access to it, are the matters which must be resolved by approaching a competent civil court. We do not think that in writ jurisdiction, we can pass any orders in addition to that already passed. The writ petition and the civil application, both are disposed of.

(B.P.COLABAWALLA, J.)

(S.C.DHARMADHIKARI, J.)