

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

WRIT PETITION NO.3431 OF 2019

Anil Ishwardas Sharma

...Petitioner

Versus

The State of Maharashtra and Ors.

...Respondents

....

Mr. Anil Sharma, Petitioner in-person present.

Mr. K.V. Saste, APP for the Respondent No.1-State.

Mr. Vijay Patil with Mr. Abhijit Patil for the Respondent No.6.

**CORAM : RANJIT MORE &
SMT. BHARATI H. DANGRE, JJ.**

DATE : 10th JULY, 2019.

P.C.:-

Heard the Petitioner, who is present in person, Mr. K.V. Saste, the learned APP for the Respondent No.1-State and Mr. Vijay Patil, the learned counsel for the Respondent No.6.

2. The Petition is filed for seeking directions to the Respondent No.1-State of Maharashtra to dismiss the Respondent Nos.3, 4, 5, 7, 8, 9 and 10 from their job and for appropriate punitive action.

3. The Respondent Nos.3, 4, 5, 7, 8, 9 and 10 are officers of the Respondent No.6-Municipal Corporation. The grievance of the Petitioner is that the aforesaid Respondents have committed a fraud in selling out Sub-

Plots of Plot No.1, Medium Scale Industries, Ulhasnagar, Near Vithalwadi Railway Station, Ulhasnagar 421 003. It is also the case of the Petitioner that he has purchased the subject plots from the original owner by the registered sale deed. However, the original owner again sold these plots to third person.

4. Having heard the Petitioner in-person and the learned counsel for the Respondents, we are of the opinion that the relief claimed in the petition cannot be granted in exercise of writ jurisdiction under Article 226 of the Constitution of India. The Petitioner however, would be at liberty to approach the Civil Court for appropriate relief in respect of his alleged title to the said plots. So far as the Petitioner's allegation regarding the fraud is concerned, the Petitioner is always at liberty to approach the station house officer of the concerned police station. In the event, the Petitioner files report under Section 154(1) of the Criminal Procedure Code, 1973, the Station House Officer of the concerned police station shall make a preliminary enquiry and take appropriate action in terms of the decision of the Apex Court in *Lalita Kumari vs. Government of Uttar Pradesh and Ors. (2012) 4 SCC 1*.

5. Subject to above, the writ petition stands disposed of.