

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 10786 OF 2019

Vijaykumar Baliram Borsani .. Petitioner

Versus

The State of Maharashtra and Ors. .. Respondents

Mr. Sangram Chinnappa for the petitioner.

Ms. K.N. Solunke, AGP for the State.

**CORAM : B.P. DHARMADHIKARI &
SANDEEP K. SHINDE, JJ.**
DATE : OCTOBER 11, 2019

P.C.:

Petitioner claims that respondent nos.6 and 7 who have lease agreement in their favour, did not get it renewed and in the year 2007, they have raised shop blocks on it. Under the impression that the construction of shop blocks is legal, petitioner paid Rs.50,000/- and after realizing that he is being cheated, he filed civil suit under the impression that the land belonged to respondent no. 6 and 7.

2. Thereafter he gathered that the land does not belong to respondent no. 6 and 7. Prayer before this Court is to implement the report of Collector which is against respondent nos. 6 and 7 in the matter. This petition has been filed by the petitioner in

August, 2019. It appears that the Village Council had given permission for construction in the year 2003 and petitioner had filed civil suit some time in the year 2016.

3. To show that the amount of Rs.50,000/- has been paid in cash, petitioner is relying upon only a copy alleged to be of the ledger of respondent no. 6 and 7.

4. It is apparent that several disputed questions arise. Petitioner has to act with open eyes and his contention that he was not aware of the correct state of affairs when he paid money in cash cannot be accepted. However, we are not concluding this aspect.

5. With a liberty to the petitioner to take such other steps which are open in law, we dispose of the petition.

(SANDEEP K. SHINDE, J.)

(B.P. DHARMADHIKARI, J.)