

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

WRIT PETITION NO.4 of 2019

Mr. Ramchandra Laxminarayan Kasat
& anr. ... Petitioners

V/s.

Estate Officer & anr. ... Respondents

Mr.P.D.Prasad Rao i/b A.A.Vibhute for the petitioners.
Mr. T.J.Pandian for respondents.

**CORAM :NARESH H. PATIL, C.J.
& N.M. JAMDAR, J.**

23rd January, 2019.

P.C.

The petitioners claim title to the property being Final Plot no.58, Survey No.14 ad measuring 8 are and load bearing construction of 1570 sq. feet and construction of temporary shed of 1754 sq. feet.

2. The case of the respondents is that the petitioners have encroached upon 28 sq. meter area owned and

possessed by Railways, therefore, necessary steps have to be taken under the Public Premises (Eviction of Unauthorized occupants) Act, 1971.

3. We have perused the record, considered the submissions advanced. In the facts of the case we find that the issue of title and possession cannot be settled in these writ proceedings. Even otherwise the petitioners have effective alternate remedies for redressal of their grievances.

4. We, therefore, observe that the petitioners are at liberty to resort to appropriate alternate remedy as permissible in law in respect of the subject issue raised in this petition.

5. The Counsel appearing for petitioners thereupon submits that petitioners may resort to appropriate remedy as permissible in law. The Counsel appearing for Railways submits that as and when such remedies are resorted to, the Railway authorities would participate in the proceedings and submit its say.

6. With aforesaid liberty, the Writ Petition stands

disposed of. All issues on merits are kept open.

7. On the request of the learned Counsel for petitioners the status-quo as on today in respect of subject property be maintained for a period of three weeks. In case the petitioners fail to get appropriate orders protecting their alleged rights in respect of the subject property, the Railway administration would take necessary steps in accordance with law.

8. At this stage the Counsel appearing for respondents points out that in sixty nine cases from the locality the Railway has resorted to eviction proceedings and has obtained orders but for some reason they are yet to be executed and are kept in abeyance by the Railway administration. In the larger public interest and in case such orders are passed, the Railway administration should resort to appropriate proceedings in accordance with law.

N.M. JAMDAR, J

CHIEF JUSTICE

L.S. Panjwani, P.S.