

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 1956 OF 2017

Mumbai Khadi & Village Industries Association. ... Petitioner.
V/s.
State of Maharashtra and others. ... Respondents.

Ms.Aditi Naikare i/b. Mr.P.J.Thorat for the petitioner.
Mr.Kunal Bhanage, AGP for the respondent- State.

CORAM : A.S.OKA AND M.S.SANKLECHA, JJ.

DATE : 13th March 2019

P.C.:

The petitioner- Mumbai Khadi & Village Industries Association which is a trust registered under the Maharashtra Public Trust Act, 1950 is claiming to be an allottee of the subject land. The allotment, according to the case of the petitioner, has been made by the first and second respondents by way of a grant. The contention raised in this petition is that certain persons who are not named in the petition are trying to encroach upon the subject land and to carry out construction. It is alleged that even the third respondent Mumbai Housing and Area Development Authority is also claiming a portion of the said land.

2. After having heard the learned counsel appearing for the petitioner and after perusing the petition, we find that the material allegations against the encroachment are against the third parties who

are neither named in the petition nor impleaded as party respondents. Therefore, the petitioner will have to adopt appropriate remedy against them before the Civil Court. As far as the respondents are concerned, though this petition is pending for more than one and half years, so far no action is taken of dispossession of the petitioner. Needless to say that if the respondents intend to dispossess the petitioner, they will have to adopt due process of law.

3. Subject to what is observed above and by keeping the remedy of the petitioner open, the petition is disposed of.

(M.S.SANKLECHA, J.)

(A.S.OKA, J.)