

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

43 WRIT PETITION NO.7084 OF 2020

SHAIKH NAJIR SHAIKH GULAB
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr Andhale Sandip R
AGP for Respondents State: Mr S R Yadav

CORAM : S. V. GANGAPURWALA &
SHRIKANT D. KULKARNI, JJ.

DATE : 19th October, 2020

ORDER:

1. The petitioner is challenging the notice directing removal of encroachment.
2. According to the petitioner, he is owner and possessor of the writ land and the impugned notice is false. The petitioner had given notice to the Municipal Corporation to remove water tank from the land of the petitioner. Sequel to it, the Municipal Corporation has issued the impugned notice.
3. It appears that the matter involves disputed question of facts vis-a-vis, issue of ownership and title. It would not be possible for this Court to decide the issue of title, requiring evidence to be adduced by the parties.
4. In light of above, we are not inclined to entertain the present petition.
5. Writ petition is disposed of with liberty to the petitioner to avail alternative remedy as may be permissible in law. In that regard, all

contentions are kept open.

6. For a period of 10 days, the respondents shall not take any action against construction on the writ land so as to enable the petitioner to avail alternate remedy and seek appropriate orders.

7. Needless to state that on lapse of 10 days, the protection granted by this Court shall come to an end.

(SHRIKANT D. KULKARNI, J.)

(S.V.GANGAPURWALA, J.)

JPC