

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.12179 OF 2019

Smt. Chunni Kallan Kureshi

..Petitioner

Versus

The State of Maharashtra & Ors.

..Respondents

Mr. Mohd. Saeed Asgar Moghul, Advocate for the Petitioner.

Mr. M. M. Pabale, GP for the Respondent - State.

CORAM : PRADEEP NANDRAJOG, C.J. &

SMT. BHARATI DANGRE, J.

DATE : 21st JANUARY, 2020

P.C.

1] The case of the Petitioner is that she is a protective occupant of Room No.97, Plot No.61, Gate No.7, New Collector Compound, Malwani, Malad West, Mumbai – 400 095. The grievance is that on 27.09.2018 the staff of Respondent Nos.2 and 3 attempted to dispossess the Petitioner from the premises.

2] In what manner the Petitioner claims to be a protective occupant has not been pleaded.

3] From the pleadings in the Petition and in particular ground (xiv), it emerges that there is a Balwadi adjoining the structure wherein a room is occupied by the Petitioner and probably Respondent Nos.2 and 3 came to remove an encroachment on the

land and the structure belonging to the Balwadi center.

4] This means that the dispute relates to boundary of Plot No.61 *vis-a-vis* boundary of the land where Balwadi exists.

5] As drafted the Petition is loose and laconic.

6] We reject the Petition.

7] The Petitioner would be entitled to avail a remedy before the Fora where evidence can be recorded.

SMT. BHARATI DANGRE, J

CHIEF JUSTICE

Balaji
G.
Panchal

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Balaji G.
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