

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Amk

WRIT PETITION NO. 14628 OF 2018

Dilip Anraj Mutha

.. Petitioner

Vs.

State of Maharashtra & Ors.

.. Respondents

Mr. Nilesh M. Wable for the Petitioner.

Ms. Nisha Mehra, AGP for Respondent Nos.1, 2 & 5.

CORAM : PRADEEP NANDRAJOG, C.J. &

SMT. BHARATI DANGRE, J.

DATE : 21st JANUARY, 2020.

P. C. :

1. We have heard learned Counsel for the Petitioner and are of the opinion that full facts where from cause of action accrues has not been pleaded in the Writ Petition warranting a rejection of the Petition.
2. Needless to state a Petition rejected on the ground it does not disclose a cause of action entitles the Petitioner to file a fresh Petition but after pleading a proper cause of action.
3. A reading of the Petition shows that the Petitioner is questioning demarcation reports relied upon by the private Respondents Nos. 6 & 7.
4. In the Petition there is no pleading as regards the boundaries of

the plot of the Petitioner. It is not pleaded as to what are the dimensions of the East, West, North and South boundaries of the land of the Petitioner. It is not pleaded with reference to the layout as to what are the boundaries of the land purchased and owned by Respondent Nos.6 & 7.

5. Of course, stray pleadings have been made here and there.

6. Further, there are no pleadings as to in what manner the demarcation reports relied upon by Respondent Nos. 6 & 7 are faulty. There are no pleadings as to which law concerning demarcation has been violated.

7. Thus, we reject the Petition.

8. Needless to state the Petitioner would be entitled to remedy as per law i.e. to file a properly drafted Writ Petition showing a cause of action.

[SMT. BHARATI DANGRE, J.]

[CHIEF JUSTICE]

Arjun
M.
Kadam

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by Arjun M.
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