

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 3045 OF 2020

Adiwasi Faseparadhi Sudhar Samiti, through its Secretary, Namsingh Shikhalya Pawar,
 ..VS..

The State of Maharashtra, through its Secretary, Public Works Department, Mantralaya,
 Mumbai and Ors.,

Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

Shri S.G.Patil and Ms Rutuja V. Palaspagar, Counsel for the
 petitioner,
 Shri A. M. Deshpande, Addl. G.P for the respondent Nos.1 to 6.
 Shri A. D. Mohgaonkar, Counsel for the respondent No.7.

CORAM : SUNIL B. SHUKRE AND
AVINASH G. GHAROTE, JJ.

DATED : 04th December, 2020

Heard Shri S. G. Patil, learned counsel for the
 petitioner and Shri A. M. Deshpande, learned Addl. G.P
 for the respondent Nos.1 to 6 and Shri A. D.
 Mohgaonkar, learned counsel for the respondent No.7.

2. It is the contention of the learned counsel for
 the petitioner that the well belonging to the petitioner is
 situated in field Survey No.37, a piece of land owned and
 possessed by the petitioner and it is the user of this well
 which has been adversely affected because of passing of
 Samruddhi Mahamarg from this land.

3. According to the learned counsel for the
 respondent No.7, the well which falls on the median of
 the Samruddhi Mahamarg is the well which is situated

on field Survey No.25 and not on field Survey No.37, and therefore, the petitioner cannot have any right whatsoever in respect of this well or its user. This is again disputed by the petitioner.

4. It is also the contention of the learned counsel for the petitioner that even the Revenue Record has been manipulated by the respondent No.7. This is, however, only oral submission of the learned counsel for the petitioner that and there is no averment specifically made in the petition.

5. Whatever may be the reality, it is now more than obvious from the rival submissions that this case involves complicated and disputed questions of fact, and therefore, the petitioner would have to resort to the appropriate civil law remedy for redressal of its grievance. This Court would not have any jurisdiction to entertain a grievance arising from such disputed facts, which would require detailed evidence for their being established first. The petition is dismissed as not maintainable. No costs.

JUDGE

JUDGE