

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

942 WRIT PETITION NO.8857 OF 2021

KHAJA TABREZUDDIN KHAJA MOINUDDIN
VERSUS
MUNICIPAL CORPORATION AURANGABAD AND ANOTHER

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Advocate for Petitioner : Mr. Yadkikar Amit A
AGP for Respondents/State: Mr. P. K. Lakhotiya

...

**CORAM : S. V. GANGAPURWALA &
R. N. LADDHA, JJ.**

DATE : 13th August, 2021

P.C. :

. Heard Mr. Yadkikar, learned counsel for the Petitioner.

2. The learned counsel for the Petitioner submits that Respondent No.2 has purchased the property and the sale deed of the Respondent No.2 demonstrates that on all sides, the said property is abutted by road. No area remained. Only four square meters land remained. The encroachment has been done by Respondent No.2 on road. The Petitioner had applied under Right to Information Act regarding the order passed by the SLR dated 15th July, 1999, as yet the copy of order is not received. The Corporation is also not taking steps. There is no dispute about the property of the Petitioner. The Corporation states that the Petitioner may measure his property.

3. In case the encroachment is on road, then the Petitioner certainly would have locus to agitate. The P. R. Card of Respondent No.2 appears to have been filed on record and as per the said P. R. Card, the area has been corrected and the same is shown as 66.5 square meters.

4. In the writ jurisdiction, it would not be possible to enter into the disputed question of fact. The order of the SLR from the available documents filed on record does not appear to have been disturbed as yet.

5. In light of the above, it would not be possible to arrive at a conclusive findings.

6. The Petitioner may take appropriate steps as may be permissible under law before the appropriate forum.

7. With these observations, Writ Petition is disposed of. All contentions of the Petitioner are kept open. No costs.

(R. N. LADDHA, J.)

(S. V. GANGAPURWALA, J.)