

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

26 WRIT PETITION NO.11029 OF 2021

LAXMAN BAJIRAO BANKAR AND OTHERS
VERSUS
UNION OF INDIA THROUGH SECRETARY AND OTHERS

...

Advocate for Petitioners : Mr. Fulchad R. Tandale.

ASG for Respondent No.1 : Mr. A. G. Talhar.

GP for Respondent/State: Mr. D. R. Kale

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

DATE : 04th October, 2021.

P.C.:

. Heard Mr. Tandale, learned counsel for petitioners.

2 Mr. A. G. Talhar, learned ASG waives notice for respondent No.1.

The learned Government Pleader accepts notice for respondent No.2.

3 The petitioners are seeking right of ingress and egress and stay to the fencing work.

4 The matter would involve disputed questions of facts so also the rights of the parties will have to be established. If the petitioners claim an easementary right, the same will have to be established before the Civil Court. Even easement by necessity will have to be proved before the Civil Court.

5 It would not be appropriate to entertain the present writ petition involving such disputed questions of facts.

6 In light of the above, we pass the following order:

ORDER

- I. The petitioners may avail the remedy as may be permissible under law.
- II. In that event, all the contentions are kept open.
- III. The writ petition is disposed of. No costs.

[R. N. LADDHA, J.]

[S. V. GANGAPURWALA, J.]

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