

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 3555 OF 2021

Shri Digambar Navaso Raut & Ors. ... Petitioners

Versus

The Ld. Collector, Sindhudurg & Ors. ... Respondents

Mr.P.M.Arjunwadkar for the Petitioners.

Ms.S.D.Vyas, B Panel Counsel for the State.

Mr.P.A.Sharma i/b. Khandeparkar and Associates for Respondent No. 6.

Mr.A.R.Varma for Respondent Nos. 7 and 8.

CORAM : S.J. KATHAWALLA, &
MILIND N. JADHAV, JJ.

DATE : 24TH AUGUST, 2021

P.C. :

1. In the above Writ Petition, the Petitioners seeks the following reliefs :

"(a) That this Court may be pleased to issue the Writ of Mandamus or any other Writ, order or direction in the nature of Writ of Mandamus and be further pleased to pass an appropriate order directing Respondent Nos. 1 and 2 as not to pass any order which amounts to ouster of the jurisdiction of the Civil Court.

(b) That this Court may be pleased to issue the Writ of Mandamus or any other Writ, Order or Direction in the

nature of Writ of Mandamus and be further pleased to pass an appropriate order directing Respondent Nos. 1 and 2 not to initiate any steps pursuant to the Application filed by Respondent Nos. 6 to 9 for conducting survey and fixing location of the Redi-Kenyal Road till the Civil Suits pending before the Ld. CJJD, Vengurla are conclusively decided on merits."

2. As far as prayer Clause (a) above is concerned, the same cannot be granted.
3. As far as prayer clause (b) above is concerned, the Petitioners are at liberty to move the Civil Court before which they have already filed a Suit being RCS No. 4 of 2010 seeking appropriate reliefs. In the event of such Application being made by the Petitioners, the same shall be heard on its own merits.
4. All contentions of the parties are kept open.
5. The above Writ Petition is accordingly disposed off.

(MILIND N. JADHAV, J.)

(S.J. KATHAWALLA, J.)