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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.6734 OF 2022

SHAIKH ZAMEERUDDIN ALIAS SK. JAMEER SK.
FAQRUDDIN PATEL

VERSUS

THE UNION OF INDIA THROUGH THE PRINCIPAL
SECRETARY AND OTHERS

....

Mr A. L. Kanade, Advocate for petitioner;

Mr S. B. Yawalkar, A.G.P. for respondents/State

**CORAM : RAVINDRA V. GHUGE
AND
ANIL L. PANSARE, JJ.**

DATE : 20th July, 2022

PER COURT:

1. The petitioner has specifically raised an issue of Article 363 of the Constitution of India, claiming that as this property is a royal property, the bar of Article 363 would not allow the petitioner to approach any Civil Court for the redressal of grievance.

2. Article 363 reads as under :-

“363. Bar to interference by courts in disputes arising out of certain treaties, agreements, etc.-
(1) Notwithstanding anything in this Constitution but subject to the provisions of article 143, neither the Supreme Court nor any other court shall have jurisdiction in any dispute arising out of any provision of a treaty, agreement,

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covenant, engagement, sanad or other similar instrument which was entered into or executed before the commencement of this Constitution by any Ruler of an Indian State and to which the Government of the Dominion of India or any of its predecessor Governments was a party and which has or has been continued in operation after such commencement, or in any dispute in respect of any right accruing under or any liability or obligation arising out of any of the provisions of this Constitution relating to any such treaty, agreement, covenant, engagement, sanad or other similar instrument.

(2) In this article—

(a) “Indian State” means any territory recognised before the commencement of this Constitution by His Majesty or the Government of the Dominion of India as being such a State; and

(b) “Ruler” includes the Prince, Chief or other person recognised before such commencement by His Majesty or the Government of the Dominion of India as the Ruler of any Indian State.”

3. We repeatedly requested the learned Advocate for the petitioner to point out, as to how the dispute, that he has put forth before us pertaining to the encroachment on the purported property of the petitioner by certain localites, would be within the meaning of a dispute relating to a treaty, agreement, covenant, engagement, *sanad* or other similar instruments?. The learned Advocate kept on harping, that he had approached His Excellency the President of India, the Hon’ble Chief Justice of India and from

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there, the matter has flowed down to the Chief Secretary of the State of Maharashtra, whose Desk Officer has referred the issue to the District Collector, Aurangabad.

4. Since we do not find that the petitioner's case is covered by the bar of Article 363, we have no reason to entertain this petition, in which several disputed issues have been raised in relation to certain localities having encroached upon the purported private property of the petitioner.

5. This petition is, therefore, dismissed.

6. Nevertheless, if the petitioner has a legal remedy available pursuant to the letter dated 14/12/2021, issued by the Desk Officer, Government of Maharashtra, he would be at liberty.

(ANIL L. PANSARE, J.)

(RAVINDRA V. GHUGE, J.)

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