

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4050 OF 2022

Shri. Vinesh Gunvant Desai ... Petitioner
Versus
State Of Maharashtra And Ors. ... Respondents

Ms. Arya Ambre i/b Arya Ambre and Associates for Petitioner.
Ms. K. N. Solunke, AGP for State.

CORAM : A. A. SAYED &
ABHAY AHUJA, JJ
DATED : 6TH APRIL, 2022.

P.C.:

1. The Petition is filed seeking the following reliefs:-

“(b) That the concerned authorities including the Respondent Nos. 1 to 47 be ordered jointly and severally and directed by Writ of Mandamus or an appropriate writ, order, or directions of this Hon’ble Court to investigate the illegal construction of said “L. D. Resort” mainly on Petitioner’s 0-09-00 H.R.P. area and to take / initiate proceeding civil as well as criminal against the Respondent No. 5 to 7 and in all persons claiming through Respondent No. 5 to 7.

(c) That this Hon’ble Court be pleased to call for from file of the Respondents No. 5 to 7 Jointly and severally the entire records pertaining to the illegal constructions on Petitioner’s land admeasuring 0-09-00 H. R. P. and after examining the legality and validity of the construction on the said land i.e., 0-09-00 H.R.P. thereof by an appropriate writ, order or direction directing the Respondent No. 1 to 4 jointly and severally to demolished the illegal construction on Petitioner’s land”.

2. The grievance of the Petitioner is that the Respondent Nos. 5 to 7 have carried out illegal construction of the “*L. D. Resort*” by encroaching in the property belonging to him. In the first instance, it is for the Petitioner to safeguard his property. The Petitioner has not stated what steps he has taken in the first place to prevent the construction of the “*L. D. Resort*” and seems to have slept over his rights, if any. The dispute appears to be boundary dispute. There are disputed questions of facts and title involved.

3. In the facts and circumstances of the case, we are not inclined to exercise the extra-ordinary writ jurisdiction of this Court and entertain the Petition. The Writ Petition is dismissed with liberty to the Petitioner to avail his other remedies in law including filing of suit against the Respondent Nos. 5 to 7.

(ABHAY AHUJA, J.)

(A. A. SAYED, J.)

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signed by
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