

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO.9097 OF 2018**

Shubhangi Ganesh Gaikwad

...Petitioner

Vs.

Chief Officer, Karjat Municipal Corporation  
and Ors.

...Respondents

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Mr. Ashok B. Tajane for the Petitioner.

Mrs. Nilambari G. Deshmukh for Respondent No.1.

Ms. Kavita N. Solunke, AGP for Respondent Nos.3 and 4-State.

Mr. Akshay Patil a/w. Mr. Rajesh Devghavkar i/b R. A. M. Legal for  
Respondent No.8.

Mr. Sameer M. Mangaonkar for Respondent No.9.

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**CORAM : NITIN JAMDAR &  
SHARMILA U. DESHMUKH, JJ.**

**DATED : 12 SEPTEMBER 2022.**

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**P. C. :**

By this petition the Petitioner is seeking the following  
reliefs :

*"b) by appropriate writ, order or direction of this Hon'ble Court the Respondent No.1 be directed to exercise their statutory powers under Maharashtra Regional and Town Planning Act, 1962 relating to unauthorized constructions and demolish the said unauthorized premises carried out by R. No.8 and 9 as shown in plan at Exh.Z situated at village Gundge Gaothan, taluka Karjat, District Raigad."*

2. The grievance of the Petitioner as stated in the Petition is that the Petitioner owns a house at property bearing C.S. No.230, 231 and 232 at village Gundge Gaothan, Taluka Karjat, District Raigad and that Respondent Nos.8 and 9 who have their land adjoining to the Petitioner have encroached on *gaothan*/government land and the Respondent Authorities are not taking any action in respect of this unauthorized construction. The Petitioner has also made a grievance that these Respondents have encroached on her property as well and this dispute between the Petitioner and Respondent Nos. 8 and 9 is being looked into by the Civil Court in RCS No.70 of 2017 in the Court of Civil Judge, Karjat. The details of the suit and the orders passed therein are placed on record so also the details of revenue proceedings.

3. The Respondents have filed their reply. Reply is also filed on behalf of the State.

4. This Court by order dated 3 October 2019 and 13 December 2021 have issued certain interim direction pursuant to which report /map is placed on record.

5. In the affidavit filed by the Deputy Superintendent of Land Records, Karjat, District Raigad, it is stated that Respondent No.8 has not carried out any construction on government land. According to the Petitioner, the map placed on record, pursuant to the order by this Court demonstrates otherwise. Various disputed questions of facts are raised to adjudicate in the writ jurisdiction, which is clearly not possible. The dispute between and the Petitioner and Respondent Nos.8 and 9 regarding encroachment etc. is already been adjudicated in a Civil Suit filed by the Petitioner. In writ jurisdiction we will be concerned with the allegations of the Petitioner that Respondent Nos.8 and 9 have encroached upon the government property. Though there is an affidavit filed by the Deputy Superintendent of Land Records, Karjat that Respondent No.8 has not encroached upon the government property, considering the other material set out by the Petitioner, we deem it appropriate that the District Collector should look into the issue.

6. The District Collector, Raigad to examine the record of this case considering the petition as representation of the Petitioner that

Respondent Nos.8 and 9 have encroached upon the government property and thereupon take appropriate decision. We make it clear that if the District Collector finds that the Petitioner has also committed any encroachment, the District Collector will look into that aspect as well.

7. These directions will not reflect upon the merits of the pending suit between the parties. Considering the workload that the District Collector has, we are not specifying any time limit, but we do expect the District Collector to examine the issue at the earliest.

(SHARMILA U. DESHMUKH, J.)

( NITIN JAMDAR, J.)