

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

Writ Petition No. 2073/2020

Chetan s/o Jayant Jasani and ors. ...Petitioners

Versus

State of Maharashtra and ors. ...Respondents

Mr. M.R. Joharapurkar, Advocate for the Petitioners

Ms. Kalyani R. Deshpande, Assistant Government Pleader for the
Respondent Nos. 1, 2 and 4 to 6

Mr. M.I. Dhatriak, Advocate for Respondent No. 3

**CORAM : NITIN JAMDAR AND
ANIL L. PANSARE, JJ.**

DATED : 05 MAY 2022

P.C.:

Heard the learned Counsel for the parties.

2. The Petitioners have sought an order restraining the Respondent No. 3 – Municipal Council and the Respondent - State from carrying out any construction in the property which the Petitioners claim as their own.

3. The Respondents have contested the title of the Petitioners. The Petitioners claim title to the property. These are issues which are more appropriately decided in a civil suit.

4. If the Petitioners claim that the property is owned by the Petitioners and the officers of the Respondents are entering Petitioners' property to carry out illegal construction as contended, it is always open to the Petitioners to establish title and seek injunction.

5. The learned Counsel for the Respondent No. 3 – Municipal Council states that when the petition was filed there was only a resolution of the Municipal Council and nothing further and, therefore, prayer for *ad interim* order as regards the Respondent No. 3 – Municipal Council was based on pure apprehension.

6. Therefore, we dispose of this writ petition with the above observations and vacate the *ad interim* order dated 28 August 2020. The remedy of the Petitioners as above are open if any action is taken by the Respondents. Such remedy will be considered on its own merits.

7. The writ petition is accordingly disposed of. No costs.

[ANIL L. PANSARE, J.]

[NITIN JAMDAR, J.]