

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

WRIT PETITION NO. 4064 OF 2023

Mr. Balasaheb Genaba Kingare	...	Petitioner
Versus		
State of Maharashtra & Ors.	...	Respondents

Mr. Balasaheb Genaba Kingare, Petitioner-in-preson.
Mr. A. A. Alaspurkar, AGP for the Respondent Nos. 1 and 2.
Mr. Vishwajeet Patil for the Respondent No. 3.

**CORAM: G. S. KULKARNI &
R. N. LADDHA, JJ.**

DATE : 12th APRIL, 2023

PC. :-

- . We have heard the petitioner in-person.
2. The petitioner has prayed for the following reliefs:

“A) The Hon'ble High Court be please to call record and proceedings with Respondents and after going through the same and satisfy about the legality direction or order, passed in letter dated 18/05/2018 be confirmed for providing paid police protection for restoring pace demarcation to Petitioner's property as per Map dated 25/04/2008 on North & West side and as per Map Prepared by PMC for Water line dated 18/02/2020, on East side along with PMC officials.

B) The Respondent No. 3 may please be directed to comply the order of B. D. O. dated 03/05/2017 and PMC dated 22/09/2020.

C) Any other relief as deemed fit and proper may please be granted in favor of Petitioners herein.”

3. The case of the petitioner is that the boundary marks pertaining to his land are disturbed and they are required to be accordingly restored. He states that there was already a demarcation undertaken by the appropriate authority. If that be the case, it is not possible for us in exercise of writ jurisdiction under Article 226 of the Constitution of India to adjudicate any such dispute, which the petitioner may have in regard to his boundary marks being disturbed. All these are disputed questions of fact for which the petitioner would be required to pursue appropriate remedy as may be permissible in law.

4. We accordingly disposed of the petition. Permitting the petitioner to take recourse to the appropriate remedy as may be available in law. All contentions of the parties in that regard are expressly kept open.

5. Petition is disposed of in the above terms. No costs.

[R. N. LADDHA, J.]

[G. S. KULKARNI, J.]

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