

Hanuman Krushna Patil & Ors. .. Petitioners
Vs.
The District Collector, Thane & Ors. .. Respondents

Mr. P. P. Kakade, Govt. Pleader a/w Mrs. Nisha M. Mehra, AGP for State.

**CORAM: S. V. GANGAPURWALA, ACTING CJ. &
SANDEEP V. MARNE, J.**

DATE: JANUARY 18, 2023

P.C.:

- 1.** We have heard the learned advocate for the petitioners and the learned Government Pleader.
- 2.** The petitioner seeks to challenge violation of easementary right. In that event, the petitioners will have to seek a declaration of easementary right and consequential reliefs. The petitioners will have to move the Civil Court.
- 3.** If it is the case of the petitioners that large number of villagers are aggrieved, then the petitioners can invoke the provisions of Order I Rule 8 of the CPC as may be permissible. The petitioners are at liberty to avail the said remedy.
- 4.** With the aforesaid observations, the PIL petition is disposed of. No costs.
- 5.** If such a remedy is availed, then all contentions are kept open.

(SANDEEP V. MARNE, J.) (ACTING CHIEF JUSTICE)