

Ashwini

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 15227 OF 2022**

Manohar Khamkar & Anr ...Petitioners
Versus
The Collector, Collectors Office, Thane & Ors ...Respondents

AND

WRIT PETITION NO. 15310 OF 2022

Yogesh Mohan Lad & Anr ...Petitioners
Versus
The Collector, Collector Office, Thane & Ors ...Respondents

**Mr Akshay Deshmukh, with Pratik Wakade & Ankiket Pawar, for the
Petitioners.**

Mrs PN Diwan, AGP , for the Respondent-State.

Ms Priyanka Fadia, i/b Shashak Fadia, for Respondent No. 14.

**CORAM G.S. Patel &
 S.G. Dige, JJ.**

DATED: 20th January 2023

ASHWINI
HULGOJI
GAJAKOSH

Digitally signed by
ASHWINI HULGOJI
GAJAKOSH
Date: 2023.01.23
10:10:33 +0530

PC:-

1. It will not be possible to entertain these Petitions.
2. There are seriously disputed questions of fact as to the title to the immovable properties. In Writ Petition No. 15227 of 2022, Ms

Fadia appears for the 14th Respondent and points that her client, a financial institution, holds a mortgage over the very same property and which appears to have been executed long before the 15th Respondent acquired title from the 13th Respondent. The Petitioners claim to have acquired title from the 15th Respondent. The correctness or validity of that title is now seriously in doubt, at least for the purpose of writ proceedings.

3. We are informed that the Petitioners have adopted civil proceedings. The Petitioners are at liberty to pursue those. All contentions are left open. We have not addressed ourselves to the merits of the dispute.

4. The Petition is disposed of in these terms, with no order as to costs.

(S.G. Dige, J)

(G. S. Patel, J)