

Talwalkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 1801 OF 2021

Prashant Pannalalji Karnawat ...Petitioner
Versus
The Nashik Municipal Corporation & Ors ...Respondents

Mr Mangal Bhandari *i/b Pranjali Bhandari, for the Petitioner in WP/1801/2021.*
Mr Sanjay P Shinde, *for Respondent No. 29 in WP/1801/2021.*
Mr ML Patil, *for Respondent No. 1-NMC in WP/1801/2021.*

CORAM G.S. Patel &
Kamal Khata, JJ.
DATED: 30th August 2023

PC:-

1. Prima facie, this is a thinly and barely disguised civil suit in the form of a Writ Petition. Prayer clauses (a)(i) and (ii) at pages 11 and 12 and prayer clause (b) tell us all that we need to know. Paragraph 2 of the Petition asserts ownership of this land at Nashik and paragraph 3 immediately puts the Petitioner out of court because it raises a dispute about an agricultural tenancy of one Hirabai Badade and then for persons who have claimed through or from or under her. There is a long litigation and what the Petitioner now seeks is to deploy the services of the Municipal Corporation to pull down structures that the Petitioner says are illegal, thus seek a

backdoor method of asserting ownership rights over the property and, effectively, an order in a writ Petition for delivery of possession of immovable property.

2. It is open to the Petitioner to avail of such civil remedies as the Petitioner may be advised. Such reliefs are not possible in the frame of a writ petition under Article 226 of the Constitution of India.

3. The Petition is rejected. There will be no order as to costs.

(Kamal Khata, J)

(G. S. Patel, J)