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

**WRIT PETITION NO. 1781 OF 2023**

**The Shri Vinayak Shikshan  
Prasarak Mandal, Sinnar & Anr. .. Petitioners**

**Versus**

**The State of Maharashtra & Ors. .. Respondents**

Mr. Anilkumar K. Patil for petitioners.

Mr. M. M. Pabale, AGP for respondent nos.1 to 3/State.

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

**DATE: FEBRUARY 27, 2023**

**P.C.:**

**1.** The learned counsel for the petitioners submits that Samruddhi Mahamarg was being constructed. The school of the petitioners is adjacent to the same. Because of the construction of the said Mahamarg, the petitioners' school building had suffered damages. The grievance was made to the respondents with regard to the direct and indirect loss caused to the school building as well as girls' and boys' hostel, but no cognizance is taken. Erroneous reply has been given by the respondents.

**2.** We have perused the reply given by the respondents to the grievance raised by the petitioners. The reply suggests that the school building and the residential hostel of the petitioners is at a distance of 350 mtrs. The respondents have denied about their liability.

**3.** It would be a matter of evidence as to whether the alleged damage caused to the building is on account of the Samruddhi Mahamarg work. Unless evidence is led, no conclusive finding can be arrived at. The same cannot be considered in writ jurisdiction under Article 226 of the Constitution.

**4.** In light of that, the writ petition is disposed of. No costs.

**5.** The petitioner is at liberty to take appropriate steps in accordance with law before the appropriate forum.

**6.** In that event, all contentions are kept open.

**(SANDEEP V. MARNE, J.)**

**(ACTING CHIEF JUSTICE)**

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signed by  
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DASHARATH  
PANDIT  
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