



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Writ Petition No.5762/2022

Smt. Kalpana V State of Maharashtra and others

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Mr. S. Raisuddin, Adv for petitioner.
Mr. A.J. Mirza, Adv for resp. nos. 5 and 6.
Mrs. K. Deshpande, AGP for resp. nos.1 to 4.

CORAM : AVINASH G GHAROTE &
URMILA JOSHI-PHALKE, JJ.

DATE : 05-09-2023

It is undisputed that in respect of the present subject matter RCS No.6/2017 (old) New No.744/2019 (MOIL versus Smt.Kalpana) a suit for declaration and permanent injunction in respect of Survey No. 334 admeasuring 0.42 HR of mouza Kandri, Tah. Ramtek, District Nagpur is pending before the Civil Judge Junior Division, Ramtek. The petitioner claims title to the said land on account of her Sale Deed dated 16-02-16 executed in her favour by the predecessor in title and on strength of it has filed RCS No.742/19 (Smt. Kalpana V Moil and others) which is again pending before the Civil Judge Junior Division, Ramtek. In this suit the relief regarding the Lease Deed dated 20-02-2006 executed by her predecessor in favour of MOIL is also challenged. By this petition, the petitioner seeks compensation, royalty amount, rent amount and damages since 1962 till date. Since the entitlement of the petitioner for compensation and damages would depend upon

the title of the petitioner as claimed in RCS No.742/19 this would clearly be a disputed question of fact. It would be therefore appropriate that the petitioner would approach the civil Court with such a claim, in view of which we decline to entertain the present petition. The petitioner may avail of any other remedy available to her in law.

2. The petition is dismissed in above terms. No costs.

JUDGE

JUDGE

Deshmukh