

Shabnoor

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

WRIT PETITION NO.1200 OF 1998

Fatruddn Ramjan Paik	... Petitioner
V/s.	
Neelappa Revansiddha Nadvin-Angaj & Anr	... Respondents

Mr. Tejas Deshmukh, for Petitioner.

Mr. Swapnil P. Kamble, AGP for Respondent No.2.

CORAM : AMIT BORKAR, J.

DATED : MARCH 15, 2024

P.C.:

1. The writ petition arises out of proceedings under the provisions of the Maharashtra Land Revenue Code, 1966 carrying out survey. The survey indicated encroachment by respondent No.1.

2. By the impugned order, respondent No.2 directed the Collector to fix the boundaries as per Section 135 of the Maharashtra Land Revenue Code, 1966. This Court while admitting writ petition recorded statement on behalf of petitioner that he shall file Civil Suit in relation alleged encroachment by respondent No.1. Therefore, rights of the parties shall be decided by the Civil Court.

3. The writ petition is, therefore, disposed of by clarifying that

the rights between the petitioner and respondent shall be as the decision of the Civil Court.

4. With this clarification, the writ petition stands disposed of in above terms. No costs.

(AMIT BORKAR, J.)