

X

ITEM NO.4

COURT NO.4

SECTION IX

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).11182/2012

(From the judgement and order dated 06/02/2012 in WP No.7571/2011 of The HIGH COURT OF BOMBAY)

MADHUKAR RAMBHAU KALBHOR

Petitioner(s)

VERSUS

STATE OF MAHARASHTRA & ORS.

Respondent(s)

(With appln(s) for exemption from filing c/c of the impugned Judgment, exemption from filing O.T., stay and prayer for interim relief and office report )

Date: 13/12/2012 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI

HON'BLE MR. JUSTICE SUDHANSU JYOTI MUKHOPADHAYA

For Petitioner(s)

Mr. A.K. Srivastava, Sr. Adv.

Mr. Arvind S. Avhad, Adv.

For Respondent(s)

Mr. Atul B. Dakh, Adv.

UPON hearing counsel the Court made the following

O R D E R

This petition is directed against order dated 6.2.2012 of the Division Bench of the Bombay High Court, whereby the writ petition filed by the petitioner questioning order dated 18.7.2011 passed by the appellate authority was dismissed with the following observations:

"Hence instead of entertaining this petition which involves disputed questions of facts and also involves the job of interpretation of documents relating to title which cannot be done in proceedings arising out RTS proceedings, the petition is not entertained by clarifying that the petitioner will be entitled to get all the rights established by filing appropriate proceedings in the Civil Court. It is made clear that the Civil Court will not be influenced by any of the observations which are made by the Hon'ble Revenue Minister in the impugned judgment and order or by the Deputy Director of Land Records, Pune or the Superintendent of Land Records, Pune and all such observations will be ignored by the Civil Court."

We have heard Shri A.K. Srivastava, learned senior counsel appearing for the petitioner for some time and perused the record.

In our view, the view expressed by the learned Single Judge on the entertainability of the writ petition does not suffer from any legal infirmity requiring interference under Article 136 of the Constitution.

The special leave petition is accordingly dismissed.

| (Parveen Kr.Chawla)  
| Court Master  
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| | (Phoolan Wati Arora)  
| | Court Master  
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