

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

rpa

WRIT PETITION NO.10639 OF 2013

Tejraj Devichand Lalwani	.. Petitioner
Vs.	
Mrs.Sunanda Sunil Parandkar & Ors.	.. Respondents

....
Mr.Surel S. Shah, Advocate for the Petitioner.
Mr.Sanjeev Mukund Gorwadkar, Advocate for the Respondent
No.3.

....

**CORAM : A.S. OKA &
A.P. BHANGALE, JJ.**

DATED : APRIL 18, 2015.

P.C. :

Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the 3rd respondent. The grievance made in this petition is that in breach of undertaking given by the 1st and 2nd respondents to the Civil Court, the structure on city survey no.2886 / A at Barshi, District Solapur was demolished by the 1st and 2nd respondents. It is contended in the petition that after demolition of the existing structure, illegal construction has been commenced and carried out by the concerned respondents on the property in question.

2 As far as the grievances against the 1st and 2nd respondents are concerned, the petitioner will have to adopt appropriate remedy. If the case made out by the petitioner is that the concerned respondents have carried out illegal construction on the property in question, it is for the petitioner to make a representation to the 3rd respondents.

3 Therefore, the petition need not be entertained at this stage and we pass the following order:

:: ORDER ::

(i) The remedy of the petitioner against the 1st and 2nd respondents is kept open;

(ii) It will be open for the petitioner to make a representation to the 3rd respondent pointing out the allegations of illegal construction made by the concerned respondents. If such representation is made, the 3rd respondent shall look into the same and shall take action in accordance with law. Appropriate decision on the representation shall be made within a period of two months from the date on which the representation is made;

- (iii) All contentions on merits are kept open;
- (iv) Writ Petition is disposed of on the above terms.

(A.P. BHANGALE, J.)

(A.S. OKA, J.)