

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 1893 OF 2015**

Mrs. Sharmila Roy Nunes	Petitioner.
Versus	
The Commissioner & Ors.	...Respondents.

Mr. Madan Singh Khati, advocate for the Petitioner.
Mr. Vikas Mali, AGP for the respondent-State.
Mr. N.R.Bubna, advocate for the respondent nos.1 and 2.

**CORAM : SMT. VASANTI A.NAIK
& SMT. MRIDULA BHATKAR, JJ.**

DATED : March 12, 2015.

P.C.:

By this petition, the petitioner seeks a direction to the Corporation to demolish the illegal and unauthorized structure constructed on the plot owned by the petitioner in Thane district.

On hearing the learned counsel for the petitioner and the learned AGP, it appears that the dispute involved in this case is of civil nature and the same cannot be decided in exercise of the writ jurisdiction. We find that a deed of conveyance is executed between the petitioner and one Shrij Liyakat Qureshi, who according to the petitioner,

has made illegal construction on the property with the help of one more person. These persons have not been joined as parties to the petition. In a dispute of a civil nature, it would not be appropriate for this Court to show indulgence in the petition filed under Article 226 of the Constitution of India.

Hence, we dismiss the petition with no order as to costs.

The points raised in the petition are, however, kept open.

(MRS.MRIDULA BHATKAR, J.)

(MRS. VASANTI A.NAIK, J.)