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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3036 OF 2015

Rajesh Dattu Kakkad

..Petitioner.

V/s.

The Divisional Commissioner and Ors.

..Respondents.

Mr.Raju Maruti Yamgar for the petitioner.

Mr.N.R. Bubna for respondent Nos.2 to 6.

Mr. Suresh M. Sabrad for respondent Nos.7 to 9.

**CORAM : A.S.OKA AND
V.L.ACHLIYA, JJ.**

DATED : 6TH OCTOBER, 2015

P.C. :-

1. The learned counsel appearing for the Municipal Corporation has tendered on record a panchanama dated 3rd October, 2015 along with a copy of final notice dated 19th September, 2015. The panchanama records that all the tin sheets used for covering the terrace have been removed. The learned counsel appearing for the petitioner submits that only the tin sheets have been removed but the iron railings on which the tins sheets were erected have not been removed.

2. The petitioner is also a member of the Co-operative Society formed by the flat purchasers of the flats in the building.

3. As the tin sheets have been removed, it is not a fit case where this petition under Article 226 of the Constitution of India should be entertained.

4. It appears to us that there is a serious dispute between the petitioner and other members of the society. The writ jurisdiction cannot be invoked for agitating such grievances. As the petitioner is a member of the society, the petitioner has remedies available. By taking the copy of the panchanama on record, we dispose of the petition. All remedies of the petitioner are kept open.

(V.L.ACHLIYA, J.)

(A.S.OKA. J.)

C E R T I F I C A T E

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