

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 9776 OF 2015**

Wasik Abdul Bari Momin	...Petitioner
<i>Versus</i>	
The State of Maharashtra & Ors.	...Respondents

Mr. Raju Digamber Suryawanshi for the Petitioner.
Mrs. M. P. Thakur, AGP for the Respondent No. 1.
Ms. Pooja Singh i/b Mr. N. R. Bubna for the Respondent No. 2.
Mr. Vaibhav Karnik for the Respondent Nos. 4 to 6.

CORAM: A. S. OKA & G.S. PATEL, JJ.
DATED: 15th December 2015

PC:-

1. Heard the learned counsel appearing for the Petitioner. The learned counsel appearing for the the Bhiwandi-Nizampur City Municipal Corporation has tendered an Affidavit dated 14th December 2015 of Mr. Haridas Pundalik Mane, Designated Officer of Ward Committee No. 1. We accept the statements made in paragraphs 1 to 3 to the said Affidavit. The said Affidavit notes that there is no construction going on the land bearing CTS Nos. 5065 to 5095. In view of this categorical statement, this Petition need not be entertained as the grievance made herein is confined to the alleged illegal construction on CTS Nos. 5065 to 5095 at village

Nagaon, Bhiwandi. The learned counsel appearing for the Petitioner submits that the Affidavit shows that the illegal construction is going on on some other property. However, this contention cannot be gone into the present petition as the present Petition is confined to CTS Nos. 5065 to 5095.

2. By accepting the statements made in the Affidavit of Mr. Haridas Pundalik Mane, we dispose of the Petition.

(G. S. PATEL, J.)

(A. S. OKA, J.)