

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.11512 OF 2014

Shivshankar R. Mishra .. Petitioner
-Versus-
Harendra Mishra & Ors. .. Respondents

Mr.Sandeep Mishra for petitioner
Mr.Mandar Limaye with Mahendra Agvekar for respondent No.3.

CORAM : SMT. V.A.NAIK &
C.V.BHADANG, JJ.

DATE : 27th February 2015.

P.C.

By this petition, the petitioner seeks a direction to the Corporation to demolish the illegal construction made by the respondent Nos. 1 and 2 on the plot owned by the father of the petitioner. It is stated that the respondent Nos. 1 and 2 who are related to the petitioner, have illegally made some construction on the plot, without seeking the consent of the petitioner's father. It is also stated that the construction made by the respondent Nos. 1 and 2 is unauthorised and illegal and the Corporation should be directed to demolish the same.

We find on hearing the learned Counsel for the petitioner that there is a dispute between the family members i.e. petitioner on one side and the respondent Nos.1 and 2 on the other. It would be appropriate for the petitioner to file a civil suit for seeking the demolition of the construction made by the respondent Nos. 1 and 2 and their removal from the said property. It appears that the petition has been filed by the petitioner with a view to settle the score with respondent Nos. 1 and 2. In any case, since the dispute is of civil nature, we are not inclined to entertain the petition in exercise of the writ jurisdiction.

In the result, the petition fails and is dismissed with no orders as to costs.

(C.V.BHADANG, J)

(SMT. V.A.NAIK, J.)