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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO.806 OF 2015

Santoshkumar Ramprasad Pandey	... Petitioner
Vs.	
The Executive Engineer and Ors.	... Respondents

Mr. S.S. Redekar, for the Petitioner.

Mr. Y.V. Divekar a/w Ashwini Pawar i/by M/s. Divekar & Co., for the Respondent No.7.

Mrs. Shobha Ajitkumar, for Respondent – BMC.

**CORAM : A.S. OKA &
REVATI MOHITE DERE, JJ.**

DATE : 8th JUNE, 2015

PC.

. Heard the learned counsel appearing for the Petitioner. By this Petition under Article 226 of the Constitution of India, the challenge is to the Intimation of Disapproval and Commencement Certificate issued by the fourth Respondent under which the seventh Respondent was permitted to cover a well by constructing RCC slab thereon.

2. As far as the right of the Petitioner is concerned, admittedly the Petitioner has no right, title and interest in respect of the property on which the well is situated. There is only a bald averment that the said well was for the use of members of the public.

3. The Petitioner will have to establish the alleged right vesting in the members of the public in relation to the said well on a private property. Unless, the Petitioner approaches the Competent Court and establishes his right in respect of the well, the challenge at the instance of the Petitioner to the I.O.D and Commencement Certificate cannot be entertained.

4. Therefore, the Petition is rejected. However, the remedy of the Petitioner of establishing his right in respect of the well is kept open.

(REVATI MOHITE DERE, J)

(A.S. OKA, J)