

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

WRIT PETITION NO.1908 OF 2014

Shri Vijay K. Manthena

... Petitioner

Vs.

The State of Maharashtra & anr.

... Respondents

Mr.Y.D. Patil for the Petitioner

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

DATE: 6th JANUARY, 2015

P.C.:

By this petition, the petitioner seeks a direction to the Respondent No.2 to take action against the A-1 Restaurant and remove the construction made on the L.B.S. Marg, Kurla (West).

According to the petitioner, there is an illegal construction at A-1 restaurant, L.B.S. Marg, Kurla (West) and despite the complaint made by the petitioner against the illegal construction of the restaurant, the respondents have not taken any action for removal of the illegal construction.

We do not find any reason to entertain the writ petition at the behest of the petitioner. The petitioner is a resident of Hariyanawala Lane,

Abdulla Mansion, Station Road, Kurla (West), Mumbai and the construction is allegedly made on the L.B.S. Marg, Kurla (West). On a perusal of the complaint filed by the petitioner dated 11.3.2014, it appears that the petitioner has not specifically mentioned about the alleged illegal construction on the property in question and that the construction is being made without obtaining the necessary sanction or permission from the concerned authorities. It appears that the petitioner has no locus standi to file the writ petition. It further appears that though the petitioner has alleged in regard to the illegal construction of the restaurant, the petitioner has not joined the owner of the restaurant or the occupier of the same as a party respondent to this petition. It is not clear from the petition that the petition is filed in public interest. We are not inclined to entertain the writ petition at the behest of the petitioner in the facts narrated hereinabove and averred in the petition.

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

(C.V. BHADANG, J.)

(VASANTI A. NAIK, J.)