

Vidya Amin

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

WRIT PETITION NO. 2924 OF 2014

Milind Rajaram Mahajan	...	Petitioner
vs.		
State of Maharashtra & Ors.	...	Respondents

Mr. V.M. Parkar, Advocate for the petitioner.
Ms. Shobha Ajitkumar, Advocate for the respondent nos. 3 and 4/BMC.

**CORAM : SMT. VASANTI A. NAIK &
C.V. BHADANG, JJ.**
DATE : 14th January, 2015.

P.C.

By this Petition, the petitioner seeks a direction to the respondent nos. 3 to 5/Corporation authorities to implement the notice issued under section 353-A of the Mumbai Municipal Corporation Act and demolish the illegal construction of the building "Exim Link" and recover the expenses for demolition from the respondent nos. 16 and 17 by attaching their personal properties.

The petitioner claims to have been interested in the purchase of a commercial premises in the building "Exim Link" that was being constructed by the respondent nos. 16 and 17. According to the petitioner, the location of the building was such that it was good for starting the coaching classes and was also suitable for the family

requirements of the petitioner. The petitioner approached the builder on a number of occasions to strike the deal in respect of the purchase of the premises, however, the petitioner was told that the premises were sold and were not available for sale. According to the petitioner, the say of the builder in regard to the sale of the entire premises was not correct. The petitioner is said to have filed some applications under the Right to Information Act and had also made complaints to the Corporation authorities against the illegal construction of the building. It is the case of the petitioner that the Corporation authorities are not taking any concrete steps in the matter and hence, the petitioner has filed the instant petition seeking the aforesaid relief.

We are afraid that the relief sought by the petitioner cannot be granted. It is clear that the petitioner was interested in securing commercial premises and residential premises in the building "Exim Link" constructed by the respondent nos. 16 and 17 and since the petitioner could not purchase the said property, the petitioner has filed the instant petition as a arm twisting measure. The petitioner has not only sought the demolition of the building constructed by the respondent nos. 16 and 17 but has also made a prayer that the expenses of the demolition of the building should be recovered from the respondent nos. 16 and 17/builder by attaching their properties. The vengeance with which the petition

appears to have filed and the prayer appears to have been made, clearly shows that the petitioner is aggrieved by the fact that the petitioner was not assigned any property, either commercial or residential in the building constructed by the respondent nos. 16 and 17. We find that complaints are made by the petitioner to the Corporation authorities with vested interest. We also find an averment in the petition that the petitioner has decided to teach the respondent nos. 16 and 17 a lesson. This Court would not be a party in ensuring action against the respondent nos. 16 and 17 at the behest of such a petitioner.

In the facts of the case, the Writ Petition is dismissed, with no order as to costs.

(C.V. BHADANG, J.)

(VASANTI A. NAIK, J.)