

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 213 OF 2015

Rajesh Hariram Khangare and another

-vs-

The Collector, Nagpur and others

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. M.I.Dhatrak, counsel for the petitioners.

Ms M.H.Deshmukh, AGP for the respondent Nos.1, 2, 4 and 5.

Mr. S.S.Sanyal, counsel for the respondent No.3.

Mr. M.G.Bhangde, senior counsel assisted with Mr.VR.Mundra, counsel for the
respondent Nos.6 to 8.

Mr. S.V.Purohit, counsel for the respondent No.9.

CORAM : SMT. VASANTI A. NAIK &
PRASANNA. B. VARALE, JJ.

DATE : 21.12.2015.

By this petition, the petitioners seek a direction to the Sub-Divisional Officer, Saoner to take immediate action on the complaints made by the petitioners and to demolish the unauthorized construction made by the respondent Nos.6 to 8 on land bearing Khasra No.160.

The petitioners claim to be the residents of Saoner and it is the case of the petitioners that the respondent Nos.6 to 8 are making illegal and unauthorized construction on the land bearing Khasra No.160. According to the petitioners, though the Municipal Council is the authority empowered to grant the building permission, the building permission has been granted in favour of the respondent Nos.6 to 8 by the Sub-Divisional Officer. It is stated that though the respondent Nos.6 to 8 were granted permission to run the oil mill, the respondent Nos.6 to 8 are trying to establish the ginning and pressing factory on the said plot.

The learned Assistant Government Pleader and the learned counsel for the respondent No.3 state that permission for construction is granted after securing the no objection from the concerned authorities.

The learned senior counsel for the respondent Nos.6 to 8 has raised a preliminary objection to the tenability of the writ petition. It is stated that the petitioners do not have a *locus standi* to file the writ petition. It is stated that the petitioners are neither the adjoining plot holders, nor are the petitioners concerned with the construction that is being made by the respondent Nos.6 to 8 on Khasra No.160 with the sanction from the competent authorities. It is stated that the petition is not in public interest and since the petitioners do not have a *locus standi* to file the writ petition, the same may be dismissed.

Without going into the merits, we are inclined to dismiss the writ petition on the ground of maintainability. The writ petition is not maintainable at the behest of the petitioners, who merely claim to be the residents of Saoner. The petitioners have not pointed out how the petitioners would be affected by the grant of permission by the Sub-Divisional Officer to the respondent Nos.6 to 8 to make the construction on the land in question. It is rightly submitted on behalf of the respondent Nos.6 to 8 that the petitioners would not have a right to challenge the permission granted in favour of the respondent Nos.6 to 8. Merely because the petitioner No.2 owns the land in Khasra Nos.163 and 164, the petitioner No.2 cannot be said to have a *locus standi* to file the writ petition when admittedly the construction made by the respondent Nos.6 to 8 is on land bearing Khasra No.160 and the said land is far away from Khasra Nos.163 and 164.

Since we find that the petitioners do not have a *locus standi* to file the writ petition and since the petition is not filed in public interest, we dismiss the writ petition with no order as to costs.

JUDGE

JUDGE