

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT NAGPUR

WRIT PETITION NO. 1636/2014

(Chandrashekhar s/o kailash Chourasia Vs. Nagpur Municipal Corporation and others)

Office Notes, Office Memorandum of Coram appearances, Court's orders or directions & Registrar's orders.	Court's or Judges Order
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Shri S. G. Karmarkar, Advocate for the petitioner.
Shri S.M. Puranik, Advocate for the respondent nos. 1 to 4.
Dr. A.H. Jamal, Advocate for the respondent no.5.

CORAM : **SMT. VASANTI A. NAIK AND**
A.M. BADAR , JJ.

DATED : **MARCH 17, 2015.**

By this petition, the petitioner seeks a direction to the Corporation to take further action in pursuance of the notice of demolition issued against the respondent no.5.

On hearing the learned counsel for the parties, we find that the relief sought by the petitioner cannot be granted in exercise of the writ jurisdiction in the circumstances of the case. It is the case of the petitioner that the easementary rights of the petitioner are affected in view of the illegal construction made by the respondent no.5 and hence the petitioner seeks action against the respondent no.5 through the respondent-Corporation.

It would be appropriate for the petitioner to file a Civil Suit, if the easementary rights of the petitioner are affected due to the alleged illegal construction made by the respondent no.5, as the respondent no.5 has denied having made the illegal construction and has also denied that the said construction affects the easementary rights of the petitioner.

In the result, we dispose of the writ petition with no order as to costs. The points raised in the petition are kept open.

JUDGE

JUDGE

Ambulkar.