

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.3289/2015

Kaushal Rajnikant Trivedi

...Versus...

State of Maharashtra, through Commissioner of Police, Civil Lines, Nagpur and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Petitioner in person
Ms N.P. Mehta, AGP for respondent no.1
Shri S.M. Puranik, Advocate for respondent nos.2 to 4

**CORAM : SMT. VASANTI A. NAIK AND
A.I.S. CHEEMA, JJ.**

DATE : 14.10.2015

By this petition, the petitioner seeks a direction against the respondent no.5 to stop all commercial activities on plot no.3 in Central Avenue, Nagpur. The petitioner also seeks a direction to the respondent nos.1 to 4 to take action against the respondent no.5 for use of the illegal structure constructed by the respondent no.3 on the plot adjacent to the property of the petitioner.

According to the petitioner, the petitioner is a practicing Advocate and the respondent no.5 is troubling the petitioner by parking the vehicles in front of the office of the petitioner. It is stated that the petitioner was also beaten up without any cause by the representatives and servants of the

owner of the respondent no.5. It is stated that action is required to be initiated against the respondent no.5 for using the illegal construction and for running the hotel without permission.

We find that the petitioner would not have any *locus standi* to file the petition, seeking action against the respondent no.5. The petition is not filed in public interest. The petitioner is not concerned with the building in which the respondent no.5 is running the hotel. If the petitioner is aggrieved by the acts on the part of the agents, servants and the owner of the respondent no.5 of beating the petitioner and damaging his office, the petitioner may set the criminal law in motion. The petitioner cannot, however, seek the relief as prayed in the instant petition, without any *locus standi*.

The learned Assistant Government Pleader states on the basis of the affidavit-in-reply that the respondent nos.1 and 2 have granted licence to the petitioner for running the hotel and the case made out by the petitioner in that regard is incorrect.

Shri Puranik, the learned Counsel for the respondent nos.2 to 4 has tendered an affidavit-in-reply in the Court today. The same is accepted on record. It is stated in the affidavit-in-reply that presently the respondent no.3 is involved in removing the encroachment in Dhantoli area and after the said drive is over, the answering respondent would definitely initiate action against the building of the respondent no.5.

In view of the statement made in the affidavit-in-reply filed on behalf of the respondent nos.2 to 4, the grievance of the petitioner should stand redressed. As it is, we were not inclined to entertain the writ petition at the behest of the petitioner for the

relief claimed. After accepting the statement made on behalf of the respondent nos.2 and 3 in the affidavit-in-reply, we dispose of the writ petition with no order as to costs.

JUDGE

JUDGE

Wadkar