

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

Writ Petition No. 6160 of 2015

(Narhari S/o Parmanand Joshi Vs. Nagpur Municipal Corporation through the
Municipal Commissioner, Nagpur and ors.)

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

Court's or Judge's order

Shri Ulhas Aurangabadkar, Advocate for the petitioner

**CORAM : Smt. Vasanti A. Naik and
Prasanna B. Varale, JJ.**

DATE : 16-12-2015.

Heard.

By this petition, the petitioner seeks a direction to the respondent nos. 1 and 2 to demolish the unauthorized construction mentioned in the notice issued to the respondent no. 3.

A development agreement was executed between the petitioner and the respondent no. 3. It is the case of the petitioner that the respondent no. 3 has breached the condition of the agreement and is making construction in violation of the sanctioned plan. It is stated that though the respondent nos. 1 and 2 have served a notice of demolition on the respondent no. 3, no action is taken against the respondent no. 3 in furtherance of the same.

On hearing the learned counsel for the petitioner and on a perusal of the writ petition, it appears that the petitioner should ventilate his grievance before the appropriate forum. There is an agreement of development executed between the

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petitioner and the respondent no. 3. If the respondent no. 3 is making the construction in breach of the development agreement or in violation of the development rules, the petitioner has other remedies.

In the circumstances of the case, we dismiss the writ petition with no order as to costs.

JUDGE

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