

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

Writ Petition No. 6404 of 2015

(Shri Rajesh S/o Ashok Mohota Vs. State of Mah. through the Secretary,
Ministry of Urban Development Dept. 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 B. N. Mohta, Advocate for the petitioner
Shri N. H. Joshi, AGP for the respondent nos. 1-A, 1-B & 2

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

DATE : 4-12-2015.

Heard.

By this petition, the petitioner seeks a declaration that the respondent no. 3 has meted out discriminatory treatment to the petitioner and has violated the fundamental rights of the petitioner by issuance of the work order dated 28-2-2014 in favour of the respondent nos. 4 and 5. The petitioner also challenges the action of the respondent no. 2 in sanctioning the building plans submitted by the respondent nos. 4 and 5 in violation of the Development Control Regulations.

It is the case of the petitioner that though the petitioner was asked to submit the estimate for the construction of shopping complex in the year 2012, the respondent no. 3 has wrongly awarded the contract in favour of the respondent nos. 4 and 5 in the year 2013. It is stated that the petitioner had submitted proper plans for construction of the

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shopping complex in 2012 but without accepting the plans of the petitioner, the plans submitted by the respondent nos. 4 and 5 are sanctioned though they violate the Development Control Regulations.

We are not inclined to entertain the writ petition filed by the petitioner under Article 226 of the Constitution of India in the circumstances of the case. If it is the case of the petitioner that the petitioner was asked to submit the plans for construction of the shopping complex and the said work was then entrusted to the respondent nos. 4 and 5 in the year 2014, the petitioner is free to file proceedings against the respondent nos. 3 to 5 before the appropriate forum. If sanction is granted to the development plans in violation of the Development Control Regulations, appropriate steps should be initiated by the petitioner under the local enactments. Instead of approaching the proper forum, the petitioner has belatedly filed this writ petition seeking the relief that could not be granted in the circumstances of the case in exercise of the writ jurisdiction.

In the result, the writ petition is dismissed with no order as to costs.

JUDGE

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