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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.1403 OF 2015**

Mr. Sagar Shivajirao Jondhale	... Petitioner
Versus	
Kalyan Dombivli Municipal Corporation and Ors.	... Respondents

Mr. Mandar Limaye for the Petitioner.

**CORAM : A.S. OKA &
C.V. BHADANG, JJ.**

DATE : 8th JANUARY, 2016

PC.

1. Heard the learned counsel appearing for the Petitioner. Perused the representation made by the Petitioner which is Exhibit-A to the Petition. The representation shows that the grievance of the Petitioner is that his father has carried out illegal construction in a property in respect of which even the Petitioner is allegedly a co-owner.

2. It appears to us that the Designated Officer of the Municipal Corporation of the City of Kalyan Dombivli has passed an order on 22nd September, 2014 against the fourth Respondent directing demolition of the structures subject matter of the said order.

3. From the averments made in the Petition and from the contents of Exhibit-A, it appears to us that there is an ongoing bitter dispute between the Petitioner and his own father. That is very apparent from the manner in which the Petitioner has referred to his own father in the letter dated 5th February, 2014 which is at Exhibit-A.

4. The writ jurisdiction is always discretionary and is never a matter of right. Considering the dispute between the Petitioner and his father, it is not a fit case where the Petitioner should be allowed to invoke the writ jurisdiction under Article 226 of the Constitution of India. If the grievance of the Petitioner is that the order dated 22nd September, 2014 is not implemented, the Petitioner can always make a representation to the Municipal Corporation.

5. Subject to what is observed above, the Petition is rejected.

(C.V. BHADANG, J)

(A.S. OKA, J)