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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

PUBLIC INTEREST LITIGATION No. 128 OF 2014

Mohan Kumar Sukkhu Maurya ... Petitioner

Vs.

The State of Maharashtra, through
the District Collector, Thane & Ors. ... Respondents

None for the Petitioner.

Mr. N. C. Walimbe, AGP for the Respondent - State.

Ms. Chaitrika Patki i/b Vidhi Partners, for Respondent No. 2.

CORAM : V. M. KANADE, &
Mrs. SWAPNA S. JOSHI, JJ.

DATE : OCTOBER 10, 2016

PC.

1. None appears on behalf of the Petitioner. Heard the learned AGP appearing for Respondent No. 1 – State, and the learned counsel appearing for Respondent No. 2.

2. By this petition, which is filed under Article 226 of the Constitution of India, the Petitioner is seeking following reliefs:

“(a) That the Hon'ble Court be please to call papers and

proceedings of Municipal Corporations and verify the correctness be please to issue writ of certiorari and / or any other writs under Article 226 and respondents be directed to stop unauthorised constructions, to remove unauthorised constructions and restrain from sale and / or create third party rights in unauthorised constructions to any prospective purchasers and / or any such directions to protect the interest of prospective purchasers in area of Nallasopara, Vasai Virar.

- (b) By ad-interim and interim injunction order the unauthorised constructions in area of Vasai – Virar Municipal Corporation of Sneha Builders, Astha Gruh Nirmitt Pvt. Ltd., and another be stopped and restrain from further constructions during pending hearing and final disposal of the petition.
- (c) That the developers who are constructing unauthorised constructions without obtaining permissions willfully violating the law, be order to deposit heavy compensation in the office of collector and / or Municipal Corporations during pendency of the petitions and appropriate actions against the unauthorised structure.
- (d) Any other and further order as court deem fit and

proper.”

3. Perusal of the prayer clauses discloses that without giving particulars of unauthorised constructions, the Petitioner is seeking directions to the Respondents to remove the unauthorised constructions and restrain from sale of unauthorised constructions to the prospective purchasers, and is also seeking further consequential reliefs. In our view, such an omnibus relief cannot be granted by this Court by issuing writ of mandamus to the Respondent Corporation. Reserving the right of the Petitioner or any other aggrieved person to take appropriate steps in respect of a particular case of an unauthorised construction, PIL is disposed of.

Sd/-

[Mrs. SWAPNA S. JOSHI, J.]

Sd/-

[V. M. KANADE, J.]

Vinayak Halemth