

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8279 OF 2015

Momin Shahjahan Begum
Mohammed Tasleem

..Petitioner.

Versus

Balaji N. Khatgaonkar and Others.

..Respondents.

Mr. F. A. Ansari for the Petitioner.
Mr. A. P. Mhatre for Respondent No. 9 and 13.
Mr. V. M. Mali, learned AGP for the State.
Mr. N. R. Bubna for Respondent No. 1 and 2.

Coram : Ranjit More &
Dr. Shalini Phansalkar-Joshi, JJ.

Date : **April 2, 2016.**

P. C. :

1. Heard the learned Counsel appearing for the respective parties. By this petition filed under Article 226 of the Constitution of India the Petitioner is challenging the building permissions granted to Respondent Nos.8 to 11. It is the case of the Petitioner that these Respondents are constructing upon land bearing Survey No. 52/1 and 52/2 and CTS No. 4851 of village Nizampura at Bhiwandi. Respondent Nos.8 to 11 however assert that their construction is on Survey No. 52/1 and 52/4 only and this construction is being undertaken after obtaining the requisite permissions under the relevant laws.

2. The Petitioner has raised the dispute about the identify of property. The Petitioner's husband has already filed suits before the Civil Judge, Junior Division, Bhiwandi against Respondent No.8, being RCS No. 459 of 2013, 151/2014, 152/2014, 369/2014 and 372 of 2013.

3. In the light of this fact-situation, we do not think this is the fit case where writ jurisdiction of this Court can be exercised. Writ petition is, therefore, dismissed.

4. In view of the disposal of main writ petition, application, if any, taken out in this petition, does not survive and same is accordingly disposed of.

[Dr. Shalini Phansalkar-Joshi, J.]

[RANJIT MORE, J.]