

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Amk

WRIT PETITION NO. 9199 OF 2014

Mr. Aniruddha Ramesh Shah & Ors. .. Petitioners
Vs.
Nashik Municipal Corporation & Anr. .. Respondents

Ms. Mandakini Kumari Sinh for the Petitioners.

CORAM : **A.S. OKA &**
C. V. BHADANG, JJ.
DATE : **7th JANUARY, 2016.**

P.C.

1. The petitioners are the legal representatives of one Ramesh Manilal Shah who died on 30th March, 2012.

2. On the representation made by the Nashik Municipal Corporation, the said Ramesh allowed his property to be used for a temporary period by the said Municipal Corporation. The said property was allowed to be used for erecting site office and cement godown as well as for storing other material for the purpose of construction of a bridge. The grievance made in the petition is regarding the non payment of compensation for the temporary use of the land. There is a letter dated 26th November, 1993 (Exhibit 'C' to this Petition) addressed by the Municipal Corporation to the said Ramesh which records that the land has been vacated by Municipal Corporation. By a letter dated 27th January, 1995, the

said Ramesh applied to the Municipal Commissioner for grant of compensation in which it was stated that the site was handed over back by the Corporation on 26th November, 1993. Thereafter, there is a correspondence made by the said Ramesh in the years 1995 and 1996. Lastly, a letter dated 7th February, 2000 was addressed by the said Ramesh to the Municipal Corporation. There is a letter dated 28th December, 2006 issued by the City Engineer of the Municipal Corporation to the 3rd petitioner in response to his application dated 5th December, 2006. The letter records that the grievance of 3rd petitioner has been dealt with by the letter dated 4th November, 1999.

3. From Exhibit L it appears that the said Ramesh died on 30th March, 2012. He never approached any Court of law during his lifetime. His legal representatives have filed the present petition on 22nd August, 2014. Hence the petition suffers from gross delay which is not explained at all. Even otherwise, this is not a fit case where at this stage the petitioners should be allowed to invoke the jurisdiction of this Court under Article 226 of the Constitution of India. The petition is accordingly rejected.

(C. V. BHADANG, J.)

(A.S. OKA, J.)