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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO.1252 OF 2016

Shri Shivnarayan Bakshiram Nemani and Ors.

... Petitioners

Versus

The Municipal Corporation of
Greater Mumbai and Ors.

... Respondents

Mr. Siddhartha R. Ronghe for the Petitioners.

Ms. Geeta Joglekar for the Respondent No.1.

Ms. Kavita Anchan i/by M.V. Kini & Co. for the Respondent Nos.2 and 3.

Mr. Naval Sharma for the Respondent No.4 a/w Ms. Geeta N. Sharma.

**CORAM : A.S. OKA &
ANUJA PRABHUDESSAI, JJ.**

DATE : 7th DECEMBER, 2016

PC.

1 Heard the learned counsel appearing for the Petitioners. The case made out by the Petitioners is that in a property held by the Petitioners, the fourth Respondent is illegally occupying a room admeasuring 150 square feet more particularly described in the Petition. It is pointed out in the Petition that in fact a suit has been filed by the Petitioners for eviction of the fourth Respondent on the ground that he is a trespasser. The grievance made in this Petition under Article 226 of the Constitution of India is that the second and third Respondents have granted electricity supply to the premises illegally occupied by the fourth Respondent without insisting upon the fourth

Respondent producing no objection of the Petitioners.

2 The Petitioners are not disputing that the fourth Respondent is in possession of the premises in respect of which the electricity supply has been granted by the second and third Respondents. Merely because electricity supply is granted by the second and third Respondents, no equity will be created in favour of the fourth Respondent. Needless to say that grant of electricity supply will not confer any title on the fourth Respondent. If according to the case of the Petitioners, the fourth Respondent is a trespasser, his status will not undergo change merely because of grant of the electricity supply.

3 Therefore, in our view, this is not a fit case where extraordinary jurisdiction of this Court under Article 226 of the Constitution of India should be allowed to be invoked. Accordingly, the Petition is rejected. However, we make it clear that we have made no adjudication on the rights claimed by the Petitioners and the fourth Respondent in respect of the premises in question.

(ANUJA PRABHUDESSAI, J)

(A.S. OKA, J)