

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

WRIT PETITION (L) NO.3136 OF 2015

Mohamad Jafar Yusuf Shaikh

Petitioner

versus

Versova Andheri Priyanka Rajlaxmi Co-op.

Hsg.Soc.Ltd. and others

Respondents

Ms.Zulekha Sayed i/by Ms.Ratna R. Jaiswal for Petitioner.

Ms.H.Y.Shah, AGP for Respondent no.1 State.

Mr.H.C.Pimple for Respondents 2 and 3. MCGM.

Mr.Satish Kamat for Respondent no.4.

CORAM : S.C.DHARMADHIKARI AND
G.S.PATEL, JJ.

DATE : 10 February 2016

PC :

1. On the earlier occasion we had heard extensively the Petitioner's advocate and raised very pertinent queries according to us. If the Petitioner claims that as a disabled or differently abled person, he is carrying on a legitimate business activity for which he requires electricity connection or supply of energy uninterrupted, we had called upon him to produce the proof of allotment of a piece or parcel of land which is a public property, vesting in the public and in regard to which the Government acts as a trustee. The allotment of such land is by the Collector and in terms of the powers that vests in the State by virtue of Maharashtra Land Revenue Code, 1966. Therefore, such

allotment by a legally and legitimately known process was the details we had sought, when was this allotment made by which order or communication and a copy of the same ought to be either annexed or produced for our perusal. The record in this relation was directed to be produced before the Court.

2. We had indicated that unless and until we are satisfied that allotment of any portion of Government land is made to the Petitioner and he has proper authorization in that behalf, we cannot direct the Electricity Distribution Company to supply energy to the subject premises. After granting an adjournment and sufficient time to the Petitioner's advocate to produce the same, even today, it is not produced. The petition was extensively heard on 20 January 2016 and adjourned at the request of Petitioner's advocate till today. Today also, no proof of the nature specified in our order is forthcoming.

3. In the circumstances, we do not think that the Petitioner has a legally enforceable right and which can be enforced by means of this writ petition. The writ petition is devoid of merit and is dismissed. No order as to costs.

(G.S.PATEL, J.)

(S.C.DHARMADHIKARI, J.)