

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 1992/2016

(MOHMD.SHARIF IBRAHIM SHARIF **VERSUS** THE COMPETENT AUTHORITY/DIRECTOR OF TOWN
PLANNING DEPARTMENT, NAGPUR DIVISION, NAGPUR & OTHERS)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri R.P. Dixit, counsel for the petitioner.

CORAM : SMT.VASANTI A. NAIK AND
V.M. DESHPANDE, JJ.

DATE : APRIL 13, 2016.

By this petition, the petitioner seeks a direction against the respondent nos.1 and 2 to demolish the illegal construction made by the respondent no.3 on the plot.

It is the case of the petitioner that the respondent no.3 was occupying the portion of the house premises owned by the father of the petitioner and specifically described in the writ petition. It is the case of the petitioner that in the said premises, the respondent no.3 made some unauthorized construction. A person had filed a complaint against the respondent no.3 and the respondent no.2 had served a notice for demolition against the respondent no.3. According to the petitioner, the respondent nos.1 and 2 have not taken any further steps in the matter of demolition of the construction made by the respondent no.3.

On a perusal of the writ petition and on hearing the learned counsel for the petitioner, we find that the relief sought by the petitioner cannot be granted in exercise of the writ jurisdiction. According to the petitioner, the respondent no.3 is occupying the premises owned by the father of the petitioner since long. If any illegal construction is sought to be made by the respondent no.3 in the premises of which the petitioner claims to be a co-owner, the petitioner has other remedies. In stead of filing a civil suit against

the respondent no.3, the petitioner has rushed to this Court to ensure that the premises in which the respondent no.3 is residing, are demolished with the intervention of this Court, in exercise of the writ jurisdiction. The issues involved in this case cannot be decided in exercise of the writ jurisdiction. The petitioner may resort to appropriate remedy, if so advised.

The writ petition is disposed of with no order as to costs.

The points raised in the petition are kept open.

JUDGE

JUDGE

APTE