

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.512/2016

Maheshsingh s/o Amarsingh Bais.vs.Nagpur Improvement Trust, Nagpur and another

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

Court's or Judge's orders

Shri H. L. Kothari, advocate for petitioner.
Shri S. M. Puranik, Advocate for respondent no.1.
Shri R.P. Joshi, Advocate for respondent no.2.

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

DATE : APRIL 27, 2016

By this writ petition, the petitioner seeks a direction to the respondent no.1-Nagpur Improvement Trust to take an appropriate action against the respondent no.2 and cancel/suspend the building permit granted in his favour.

It is the case of the petitioner that though the petitioner is owner of the property involved in this writ petition, the respondent no.2 has started construction/development activities on the said property since the year 2013. It is stated that a fraud has been committed by the respondent no.2 and a sale deed has been fabricated. It is stated that though representations are made by the petitioner to the respondent no.1-Trust to cancel the building permit issued in favour of the respondent no.2, the trust has not cancelled the same. It is stated that the directions be issued to the respondent no.1 to decide the representation of the petitioner and cancel the permits.

We are afraid that the directions sought by the petitioner cannot be granted in exercise of the writ jurisdiction. There is a word against word as on one hand the petitioner has

claimed to be the owner of the property and on the other the respondent no.2 has also made a claim. A civil suit is pending between the petitioner and the respondent no.2 and in the said suit, an injunction order is granted in favour of the petitioner. If that be so, the petitioner has other remedies. The petitioner cannot approach this Court to seek a direction against the Nagpur Improvement Trust to cancel the building permit of the respondent no.2 when the dispute between the petitioner and the respondent no.2 is of a civil nature and it could be decided only by a competent Civil Court.

In the circumstances of the case, we dismiss the writ petition with no order as to costs.

JUDGE

JUDGE