

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

WRIT PETITION NO. 1825 OF 2016

Shri Narendra Kachore and ors

-vs-

Nagpur Improvement Trust and ors

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr.P.V. Vaidya, counsel for the petitioners.

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

DATE : APRIL 6, 2016.

By this writ petition, the petitioners have sought a direction against the respondents Nos.1 and 2 to initiate action against the illegal construction carried out by some third persons on the petitioners land by entering into an illegal agreement with the respondent No.3.

It would not be proper in exercise of the writ jurisdiction to consider granting the relief sought by the petitioners. The respondent No.3 has filed a suit for specific performance of contract against the petitioners. If the respondent No.3 or any person claiming through the respondent No.3 is making illegal construction on the land of the petitioner, the petitioner can file a civil suit for permanent injunction restraining them from making the illegal construction on the land of the petitioner. Instead of availing the alternate remedy, the petitioner has approached this Court.

In the circumstances of the case, the writ petition

is dismissed with no order as to costs.

The points raised in the petition are kept open.

JUDGE

JUDGE

!! BRW !!