

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

WRIT PETITION NO. 7120 OF 2016

Mahado Chindhuji Bhagat

-vs-

City of Nagpur Corporation and others

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

Court's or Judge's Orders.

Mr. N.I.Jaiswal, counsel for the petitioner.

CORAM : SMT. VASANTI A NAIK &
MRS. SWAPNA JOSHI, JJ.

DATE : 21.12.2016.

By this writ petition, the petitioner seeks a direction against the respondent-authorities to take further action against the adjoining owner, who is not joined as a party under the provisions of the Maharashtra Regional Town Planning Act, 1966.

We are not inclined to entertain the petition filed by the petitioner against the neighbour, who according to the petitioner, is making the illegal construction. If the petitioner is aggrieved by the action on the part of his neighbour, the petitioner is free to take up appropriate proceedings in the civil court. It would not be proper to entertain the petition and direct the respondent-authorities to take action against a person, who is allegedly making unauthorized construction, specially when he is the neighbour of the petitioner. If the petitioner is of the view that the person, who is not joined as a party to this writ petition, is trying to demolish the compound wall of the petitioner and is trying to encroach on the property of the petitioner, the petitioner may avail the appropriate remedy.

We dismiss the writ petition with no order as to costs.

JUDGE

JUDGE