

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 11122 OF 2017

Pandurang s/o Kishanrao Indurkar

Petitioner

Versus

The State of Maharashtra
& others

Respondents

Mr. N.L. Jadhav, advocate for petitioner.

Mr. A.B. Girase, G.P. for respondents 1 and 2.

CORAM : R.M.BORDE &

SMT. VIBHA KANKANWADI, JJ.

DATE : 13th SEPTEMBER, 2017

PER COURT:

1. Heard.
2. Petitioner is praying for issuance of directions to Municipal Council to direct respondent no. 3 to remove and demolish the illegal construction raised by him.
3. According to petitioner, respondent has raised construction in violation of the permission accorded by the Municipal Council. In the application tendered to the Municipal Council, the petitioner has made a grievance that respondent has opened windows towards the residential premises belonging to petitioner and, the respondent has not maintained the side margin and has raised construction over there. It is also further contended that the right of privacy of petitioner is infringed as a result of illegal

construction and opening of windows facing towards the residential premises belonging to petitioner by the respondent. It is also contended that the rain water has been given way towards the residential premises belonging to petitioner, which has caused damage to the existing construction belonging to petitioner.

4. The grievances ventilated in the complaint are of personal nature and can be redressed by availing alternate remedy of presenting the suit. The questions those are raised by petitioner are disputable, which need not be gone into in exercise of extraordinary jurisdiction under Article 226 of the Constitution of India.

5. Petitioner has placed reliance on the judgment of the learned Single Judge in the matter of Prathamesh Tower Co-operative Housing Society Ltd. Vs. Ganesh Co-operative Housing Society Ltd. reported in 2013(4) Bom.C.R. 82. The facts giving rise to petition to High Court are distinguishable hence the ratio laid down in the above referred judgment does not apply to the instant case. Moreover, the judgment cited is delivered by the Single Judge, and is not a binding precedence.

6. For the reasons recorded above, no interference is called for in the petition. Writ petition is devoid of substance hence stands rejected.

SMT. VIBHA KANKANWADI
JUDGE

R.M.BORDE
JUDGE