

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.3199 OF 2017

Shri Rajesh Dattu Kakad

...Petitioner

vs.

The Commissioner, Thane Municipal Corporation
& Ors.

...Respondents

Mr. Raju M. Yamgar for the Petitioner.

Mr. Vikas Mali, AGP for the State.

Mr. N. R. Bubra for the Respondent Nos.1 & 2.

**CORAM: NARESH H. PATIL &
M. S. KARNIK, JJ.**

MARCH 21, 2017.

P.C.

. Perused the order dated 6/10/2015.

2. The Division Bench in Writ Petition No.3199/2016 passed order dated 6/10/2015 which reads as under:

“1. The learned counsel appearing for the Municipal Corporation has tendered on record a panchanama dated 3rd October, 2015 along with a copy of final notice dated 19th September, 2015. The panchanama records that all the tin sheets used for covering the terrace have been removed. The learned counsel appearing for the Petitioner submits that only the tin sheets have been removed by the iron railings on which the tin sheets were erected have not been removed.

2. The Petitioner is also a member of the Co-operative Society formed by the flat purchasers of the flats in the building.

3. As the tin sheets have been removed, it is not a fit case where this petition under Article 226 of the

Constitution of India should be entertained.

4. It appears to us that there is a serious dispute between the Petitioner and other members of the society. The writ jurisdiction cannot be invoked for agitating such grievances. As the petitioner is a member of the society, the petitioner has remedies available. By taking the copy of the panchanama on record, we dispose of the petition. All remedies of the petitioner are kept open.”

3. In case the Petitioner has any grievance, the Petitioner may resort to alternate remedies.

4. In view of the above, we are not inclined to exercise writ jurisdiction.

5. Writ Petition is accordingly disposed of.

(M. S. KARNIK, J.)

(NARESH H. PATIL,J.)