

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

WRIT PETITION NO. 8609 OF 2016

Smt. Sushma Rajendra Gore ... Petitioner.

Versus

The Chief Officer,
Chakan Nagar Parishad ... Respondent.

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Mr. Prakash Y. Kulkarni for the Petitioner.
Mr. A.P. Vanarase, AGP for Respondent No. 1

....

***CORAM : Smt. Vasanti A Naik &
Riyaz I. Chagla, JJ.***

DATE : 13th November, 2017.

P.C. :

By this writ petition, the petitioner seeks a direction against the respondent Nagar Parishad to initiate action for demolition of the illegal construction carried out in Gat No.1522, Chakan.

According to the Petitioner, the petitioner is a co-owner / co-sharer in Gat No.1522 and certain persons that are named in the the representation made by the petitioner to the Nagar Parishad have illegally made construction on the Gat No.1522, though Gat No.1522 is not partitioned and the petitioner's property is not specifically divided by metes and bounds. It is stated that though several representations are made to the Nagar Parishad, the Nagar Parishad has not taken any action.

In the circumstances of the case, it would not be proper for this Court to consider the prayers made by the petitioner, in exercise of the writ jurisdiction. If the petitioner is the co-owner/co-sharer in the property and if according to the petitioner, though the property is not partitioned by metes and bounds, some persons have illegally made construction in Gat No.1522 it would be necessary for the petitioner to file a civil suit to seek the appropriate relief. Instead of availing the appropriate remedy, the petitioner has rushed to this Court.

Since, the relief sought by the petitioner cannot be granted in exercise of the writ jurisdiction, we dismiss the writ petition with no order as to costs. The points raised in the writ petition are however kept open.

(Riyaz I. Chagla J)

(Smt. Vasanti A Naik, J)