

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

**WRIT PETITION NO.13750 OF 2016**

|                                                                                                                             |     |             |
|-----------------------------------------------------------------------------------------------------------------------------|-----|-------------|
| Anjum Rojoddin Khan & Anr.                                                                                                  | ... | Petitioners |
| Vs.                                                                                                                         |     |             |
| The State of Maharashtra,<br>Through the Principal Secretary,<br>Urban Development Department,<br>Mantralaya, Mumbai & Anr. | ... | Respondents |

Mr. Bharat J. Khanna for the Petitioners.

Ms. R.A. Salunkhe, A.G.P., for Respondent No.1-State.

Mr. A.S. Rao for Respondent No.2.

**CORAM : NARESH H. PATIL &**  
**DR. SHALINI PHANSALKAR-JOSHI, J.J.**

**DATE : 10<sup>TH</sup> APRIL 2017.**

**P.C. :**

1. Heard learned counsels for the respective parties.
2. Petitioners pray for the following reliefs :-

'(a) *This Hon'ble Court be pleased to exercise the jurisdiction under Articles 226 and 227 of the Constitution of India by issuing Writ of Mandamus or writ in the nature of mandamus or any other writ, order or direction, thereby directing the Respondents to take action in the form of departmental proceedings and/or*

*taking appropriate action by filing proceedings against the concerned persons of Town Planning Department of Respondent No.2-Corporation.*

*(b) Cost, compensation and interest to the Petitioners.”*

3. In respect of the subject land, admittedly, Suit has been filed by the Petitioners. Mr. Rao, learned counsel for Respondent No.2, submits that, on the subject land, building is already constructed. A Writ Petition is pending in this Court regarding revocation of the sanctioned Layout / building permission.

4. Unless the Petitioners crystallize their rights, as on today, the prayers made by the Petitioners cannot be looked into. As and when the Petitioners crystallize their rights, they may submit their representation to the Commissioner of Respondent No.2-Municipal Corporation.

5. In the light of the above, no interference is warranted at this stage. Petition is disposed of.

**[DR. SHALINI PHANSALKAR-JOSHI, J.] [NARESH H. PATIL, J.]**