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

WRIT PETITION NO. 11181 OF 2015

Abhishek Singh

...Petitioner

Vs.

Bhiwandi Nizampur City Municipal
Corporation & Ors.

...Respondents

Mr. Hemant Ghadigaonkar, Advocate for the Petitioner

Mr. N.R. Bubna, Advocate for Respondent No.1

CORAM : B.R.GAVAI &

M.S. KARNIK, JJ.

DATED: 14TH AUGUST, 2017

P.C.:

1. The Petitioner approached this Court praying for direction to Respondent No.1 to demolish the unauthorised construction of ground plus six storied building constructed by Respondent No.3 on the plot which is subject matter of the Petition.

2. The learned Counsel for the Respondent Corporation has stated that though the Corporation desires to demolish the said structure the same is not possible in view of certain

interlocutory injunction granted by the competent Civil Courts in the Regular Civil Suits.

3. It is pertinent to consider whether the structure of the Respondent No.3 is adjoining to the structure of the Petitioner. Learned Counsel for the Petitioner states that the structure of Respondent No.3 is not adjoining to the structure of the Petitioner, but it is in the vicinity of the said structure.
4. The present Petition is not a public interest litigation so as to give bonafide interest and locus standi to the Petitioner as per the judgment of the Apex Court in the case of **S.P Gupta & Ors. Vs. President of India & Ors. reported in AIR 1982 SC 149.**
5. We therefore do not find any case for interference in the decision of the Respondents in this Petition at the behest of present Petitioners. The Petition is therefore rejected. However we grant liberty to the Petitioner to intervene in the Regular Civil Suits so as to contest the interim injunction granted by the learned Civil Court.

6. Needless to state that upon the injunction being denied and if the structure is found to be unauthorised the Corporation will take sincere steps to demolish the structure in accordance with law.
7. The Petition is dismissed accordingly.

(M.S. KARNIK, J.)

(B.R.GAVAI, J.)