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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.2881 OF 2018

Balasaheb Haribhau Kate ...Petitioner
vs.
Pimpri Chinchwad Municipal
Corporation ...Respondent

Mr.L.K.Jhunjhunwala i/b Triyama Legal for the
Petitioner
Mr.Rohit Sakhadeo for the respondent No.1
Mr.Sarthak Diwan for respondent No.3

CORAM : A.S.OKA, &
RIYAZ.I.CHAGLA, JJ.
DATE : MARCH 5, 2018

P.C.:

. Not on board. Taken on board.

1 The challenge is to the development permission granted by the first respondent-Municipal Corporation in the year 2014. Both the respondent Nos.2 and 3 are claiming to be developers of the property. The development permission has been granted in favour of the respondent No.2. According to the case of the petitioner, the respondent No.2 is a purchaser of undivided share of the property in which the petitioner has undivided share. The contention is that that the respondent No.2 could not have applied and obtained development permission.

2 The remedy of the petitioner is to establish

his right by approaching Civil Court. It is always open for the petitioner to seek appropriate interim relief against the respondent No.2.

3 This petition involves disputed questions of facts as regards the title. Hence, we decline to entertain this petition and the same is disposed of. However, the remedy of the petitioner before the Civil Court is kept open. All contentions of the parties on merits are kept open.

(RIYAZ.I.CHAGLA,J.)

(A.S.OKA,J.)