

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5424 OF 2018

Awadhnarayan Laxmi Singh. ... Petitioner.
V/s.
The Mira Bhayander Municipal Corporation
and others. ... Respondents.

Mr.Vikhil Dhoka with Ms.Anisha Singh and Mr.Mukesh Gupta
i/b. Solicis Lex for the petitioner.
Mr.M.S.Lagu for respondent Nos.1 and 2.
Mrs.Sharmila Deshmukh for respondent Nos.3 and 4.

CORAM : A.S.OKA AND RIYAZ I. CHAGLA, JJ.

DATE : 2nd May 2018.

P.C.:

Not on board. Taken up on board.

2. Heard the learned counsel appearing for the petitioner. Before approaching this Court seeking writ of mandamus under Article 226 of the Constitution of India, the petitioner has not even made a written representation to the concerned planning authority pointing out that there is a possibility of somebody starting illegal construction and, therefore, preventive action needs to be taken. Moreover, according to the petitioner, the construction is likely to be carried out by his co-owner. Hence, at this stage, we decline to entertain this petition filed invoking Article 226 of the Constitution of India. The petition is rejected.

3. Disposal of this petition will not prevent the petitioner from adopting appropriate proceedings against his co-owner and also from making a representation to the concerned planning authority.

(RIYAZ I. CHAGLA, J.)

(A.S.OKA, J.)