

Sharayu Khot.

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

WRIT PETITION NO. 7481 OF 2018

Prafulla Pandurang Sawant

...Petitioner

Versus

Thane Municipal Corporation & Ors.

...Respondents

Mr. Sandeep Mishra, for the Petitioner.

Mr. Mandar Limaye, for the Respondents.

**CORAM : ABHAY S. OKA AND
RIYAZ I. CHAGLA, JJ.**

DATE : 18 July 2018

ORDER :

1. Not on board. Taken on board.

2. Heard the learned Counsel appearing for the

Sharayu
Pandurang
Khot
Digitally signed
by Sharayu
Pandurang
Khot
Date:
2018.07.24
03:17:10 +1200

Petitioner. The grievance in this Petition under Article 226 of the Constitution of India is that notwithstanding the representations made by the Petitioner, firstly, a development permission has been granted by the 1st Respondent-Municipal Corporation and secondly, no action has been taken on the basis of the representation dated 21st June 2018.

3. The learned Counsel appearing for the Petitioner does not dispute the construction is being carried out in accordance with the development permission granted on 7th November 2017. He does not dispute that the development permission has been granted by the Municipal Corporation to a developer who applied on behalf of the real owner of the property. The contention of the learned Counsel appearing for the Petitioner is that there is a joint venture agreement by and between the Petitioner and one Shri. Sudhakar Shankar Sule under which the Petitioner has a right to develop the said property. Even going by the case of the Petitioner, he is not the owner of the property. If the Petitioner is claiming any right, he

has to establish the same before the Civil Court.

4. No case is made out for interference in writ jurisdiction of this Court under Article 226 of the Constitution of India.

5. The Petition is rejected. However, the Petitioner is free to adopt the appropriate remedy in accordance with law.

[RIYAZ I. CHAGLA J.]

[ABHAY S. OKA, J.]