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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO. 633 OF 2018

Mr. Hifzur Rehman Abdul Hamid Ansari ... Petitioner
Versus
The Commissioner of Brihan Mumbai ... Respondents
Mahanagarpalika & Ors.

Ms. Cristina Cacarlos, i/b Mr. Chaitanya Bhandarkar for the
Petitioner.
Ms. Geeta Joglekar, for the Respondent – BMC.

**CORAM: A.S. OKA AND
RIYAZ I. CHAGLA, JJ.**
DATED: 4TH APRIL 2018.

PC:-

1. Not on board. Taken on board.
2. The Deed of Conveyance annexed to the Petition shows that Ok Estate Developers Private Limited, a Company is the purchaser described therein. The present petition is filed by an individual by describing him as a Director of the said Company. The Petition is not filed by the Company, though going by the document of conveyance annexed to the Petition, the Company is the owner of the property. The grievance in the Petition is that the tenants of the Company have carried out illegal construction for which action has not been taken by the Mumbai Municipal Corporation. The tenants who have allegedly carried out illegal

construction have not been impleaded as parties.

3. When according to the case of the Petitioner, the property is owned by a Private Limited Company, the present Petition cannot be entertained which is filed by one of the Directors. Apart from the fact that the Director is shown as the Petitioner, a resolution passed by the Board of Directors authorising him to file a Petition on behalf of the Company is neither annexed or not relied upon.

4. Therefore, we decline to entertain this Petition under Article 226 of the Constitution of India. However, this order will not prevent the Company, which is claiming to be the owner of the property from filing a fresh Petition to which the persons who have allegedly carried out illegal construction will have to be impleaded.

5. Subject to what is observed above, the Petition is disposed of.

(RIYAZ I. CHAGLA J.)

(A.S. OKA, J)