

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

PUBLIC INTEREST LITIGATION NO.66 OF 2017
(Bhikaji s/o Motiram Varokar vs. Municipal Council, Malkapur and others)

Office Notes, Office Memoranda of
Coram, appearances, Court's orders Court's or Judge's orders
or directions and Registrar's orders.

Shri A.S. Tiwari, Advocate for petitioner.
Shri A. Sambre, Advocate for respondent no.1.
Shri A.A. Naik, Advocate for respondent nos.2(A) to (C).
Shri P.B. Patil, Advocate for interveners.

CORAM : B.P. DHARMADHIKARI AND
 MRS. SWAPNA JOSHI, JJ.

DATED : JANUARY 24, 2018

The alleged unauthorized construction on private land forms subject matter of public interest litigation.

2) Prima facie, perusal of complaint in the matter by petitioner styled as “written explanation” dated 12/4/2016 creates a doubt that it may have been drafted by landlord only.

3) In any case when there is no encroachment on public road and structure is in private boundaries, the Municipal Council need not intervene in such matters when civil litigation is already pending. Hence, without observing anything more, we decline to take cognizance of this public interest litigation. The public interest litigation is rejected.

JUDGE

JUDGE

khj