

Ladda

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

Radhakishan
S. Ladda

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CIVIL APPELLATE JURISDICTION

WRIT PETITION No. 3046 OF 2014

Ali A. Jafari

..Petitioner.

Vs

Pune Municipal Corporation & Ors

..Respondents.

Mr. A.Y. Sakhare, Senior Counsel a/with Mr. Siddheshwar N. Biradar
Advocates for the petitioner.

Mr. R.M.Pethe, Advocate for Respondent Nos. 1 and 2.

Mr. L.M. Acharya and Mr. Anish Khandekar, Advocates for
Respondent No.3.

**CORAM : AKIL KURESHI &
B. P. COLABAWALLA, J.**

DATED :- 7th NOVEMBER, 2019.

P.C. :-

1. The petitioner's prayer in the petition is for issuing

direction to the Municipal Corporation of Pune to initiate action for demolition of certain structures, which according to the petitioner are illegal and not according to the plan passed. The learned Counsel for the petitioner vehemently contended that there are series of reports of the Corporation Authority indicating various parts of the building in question being unauthorised or illegal, despite which the Commissioner, Municipal Corporation Pune has not taken a final decision and no demolition is being carried out.

2. In facts of the case, we are not inclined to interfere in the present petition. Firstly, the petitioner himself was a partner of the Joint Venture for development of the building in question. Secondly, respondent No.3-Developer has approached the Civil Court against certain notices issued by the Municipal Corporation and obtained stay against demolition of the building in question. Thirdly, there were serious internal disputes between the petitioner and respondent No.3 leading to initiation of an arbitral proceedings. The sole arbitrator has also given his Award dated 2nd February, 2019. Significantly, the action of the petitioner terminating the authority of respondent No.3 has been held illegal. We are informed that this Award is under challenge. However, this is of no significance for us,

since in our opinion the entire issue arises out of internal disputes between the petitioner and the private respondent for which we do not wish to entertain the petition. The petition is therefore dismissed. Needless to clarify that we have no occasion to examine the merits of the arbitral Award.

(B.P. COLABAWALLA, J.)

(AKIL KURESHI, J.)