

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE
WRIT PETITION NO.13603 OF 2018**

Sanjaykumar Damodar Surve ... Petitioner

Vs

Council of Architecture & anr. ... Respondents

Mr. Manoj Bhatt or the Petitioner

**CORAM: AKIL KURESHI &
S.J. KATHAWALLA, JJ.
DATED: JULY 31, 2019**

P.C.:

1. The petitioner has challenged an order contained in the minutes of meeting of the Respondent – Council of Architecture held on 13th and 14th April, 2018. By a resolution at Item No.3, during the said meeting, the said Council rejected the petitioner's complaint against respondent No.2, who is a registered architect. The petitioner had filed a complaint of gross misconduct by the said Respondent No.2, alleging breach of the building regulations such as FSI, not covering balcony, etc. The Council of Architecture, acting under section 30 of the Architects Act, 1972, by a speaking order rejected such an application, primarily holding that all the plans are passed by the concerned authorities and that no prima facie case of breach is made out.

2. The following observations made in the minutes may be recorded:

“3. CA/DC/438 – With regard to complaint filed by Shri Sanjay Kumar Surve, Navi Mumbai against Shri Rajesh R.C., Architect, Navi Mumbai, the Council noted that the Respondent Architect was appointed for Commercial cum Residential buildings to deal with authorities on behalf of the client till occupancy certificate is obtained.

The drawings prepared by the Respondent Architect are sanctioned by the Competent Authority i.e. Navi Mumbai Municipal Corporation and has issued commencement certificate, plinth certificate and occupancy certificate in favour of owner/developer. The Council, therefore, opined that there is no prima facie case of alleged professional misconduct against the Respondent Architect and dismissed the complaint. The Complainant and Respondent Architect be informed of the decision of the Council.”

3. We do not have any basis to discard such factual findings.

The learned Counsel for the petitioner agreed that he is not an occupant or a purchaser of the building in question. He however submitted that his locus standi on that basis cannot be questioned.

More importantly, he contended that mere passing of the plans by the competent authority would not absolve respondent No.2 of all the allegations and charges. However, the fact remains as of now, the sanctioned plans remain in force. The Counsel for the petitioner submitted that he himself has complained to the

Municipal Commissioner regarding sanctioning of such plans. Till any outcome in such complaints takes place, we cannot find fault with the order of the Council of Architecture. No case is made out. Petition is dismissed.

(S.J. KATHAWALLA, J.)

(AKIL KURESHI, J.)