

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION (Stamp) No. 28837 OF 2019.

Gaurav Shamji Rathod

..Petitioner.

Vs

The Kalyan Dombivali Municipal
Corporation & Ors

..Respondents.

Mr. Rahul Kadam i/by Mr. M.R. Sherekar for the Petitioner.

Mr. S.D. Shinde, Advocate for Respondent Nos. 1 and 2.

**CORAM : S.J. KATHAWALLA &
B. P. COLABAWALLA, JJ.**

DATED :- 3rd DECEMBER, 2019.

P.C. :-

The petitioner claims to be the owner of the subject property. He also claims to have entered into a Development Agreement with respondent Nos. 3 and 4 to develop his property. His grievance is that respondent Nos. 3 and 4 have not made payments to him as agreed under the Development Agreement. He has therefore filed the above writ petition seeking reliefs against the Corporation to declare that the Development Rights Certificate (DRC) dated 21st

April, 2016 issued in favour of respondent Nos. 3 and 4 be declared as illegal and void and may be cancelled. The dispute is therefore between the petitioner and respondent Nos. 3 and 4 who are private parties. The question therefore of the Corporation being directed to grant the reliefs as sought does not arise. The petitioner is always free to file a suit against respondent Nos. 3 and 4 seeking appropriate reliefs/orders. The above Writ Petition is accordingly dismissed.

(B.P. COLABAWALLA, J.)

(S.J. KATHAWALLA, J.)