

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

WRIT PETITION NO.5086 OF 2019

(MOHD.RAYEES LATE MOHD. SAYEED MUKADAM...VS.. SMT. KULSUMBEE MOHD. ISRAIL & OTH.)

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

Court's or Judge's orders

Shri R.G.Somkuwar, Advocate for Petitioner.

CORAM : Z.A.HAQ, J.

DATED : JULY 24, 2019.

Heard.

The original plaintiff is aggrieved by the rejection of his claim for temporary injunction restraining the defendants from undertaking construction over the property in question. Both the Courts have concurrently held against the plaintiff. The relevant considerations are found in paragraph No.8 of the judgment given by the learned District Judge which show that the learned District Judge has considered not only the relevant factual aspects but also the legal position.

One of the submission on behalf of the petitioner/plaintiff is that the construction is being undertaken by the defendants without seeking sanction/ permission of the competent Authority. This issue does not arise for consideration in the present petition. The petitioner/plaintiff will be at liberty to agitate this issue before appropriate Authority/ Forum, if so advised. I find that there is neither any illegality nor error of jurisdiction which necessitates interference by this Court in the extraordinary jurisdiction.

Hence, the writ petition is **dismissed**. No costs.

JUDGE