

Arun Harischandra Jadhav	...	Petitioner
versus		
Vasai Virar Shahar Mahanagar Palika and Anr.	...	Respondents

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

P.C.:

 $1/3$

named 'Ganesh Dham'. Since the postal acknowledgment was not received by the Corporation, a letter was written by the Corporation to the concerned Post Office, who informed the Corporation that the notice was delivered to the Petitioner on 17th March, 2016. A photocopy of the photograph taken on 17th March, 2016 shows that the notice was also stuck on the subject property by the Corporation.

2. The learned Advocate for the Petitioner now states that the Petitioner is not concerned with the subject building. He states that the Petitioner had no right, title or interest in the said building, save and except the fact that the subject building was developed/constructed by his father. He states that the order as prayed for be passed so that the Corporation cannot proceed with the FIR already filed against him by the Corporation and the criminal proceedings commenced thereafter.

3. The motive behind filing the above Writ Petition is therefore, clear namely to stall the Corporation from proceeding with the criminal proceedings initiated by them against the Petitioner. After going through the records, we are not satisfied that the subject notice was not served on the Petitioner or that he was not aware of the same. We are also not inclined to go into the issue as to whether the Petitioner has any right, title or interest in the property as regards which the notice was issued. The Petitioner is always free to take up all these defenses in the proceedings, which are already pending against him. Needless to add that the the court before which the proceedings are pending against the Petitioner, shall decide the same without being

influenced by the observations made in this order.

4. The Writ Petition is accordingly dismissed.

(B.P.COLABAWALLA, J.)

(S.J.KATHAWALLA, J.)