

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

89 WRIT PETITION NO. 10382 OF 2021

**GAJENDRA NANAJI DANGAT
VERSUS
THE STATE OF MAHARASHTRA & OTHERS**

...
Advocate for the petitioner : Mr.N.B.Narwade
AGP for Respondent-State : Mr.S.P.Tiwari
...

**CORAM : S.V.GANGAPURWALA &
S.G.DIGE, JJ.**

DATE : 06.12.2021

P.C. :

1] It appears that initially statement was made that the property bearing CTS No. 6052 is the property of the Corporation. No document exists to show that the property bearing CTS No. 6052 is the property of the Corporation. It stands in the name of the private person.

2] It is submitted that though the property stands in the name of the private person, the private person made unauthorized construction on the said plot. According to the learned counsel for the petitioner, complaint was made on *Lokshahi Din*, the same was also considered by the authorities, however, no further action has been taken. Even direction is given to get demarcated the property by

the Assistant Town Planning Officer to the Ward Officer on 22nd May, 2020 but no further steps are undertaken.

3] It is not the case of unauthorized construction on the public road or public property by a private person, therefore, it is not possible to invoke writ jurisdiction under article 226 of the Constitution of India. The dispute appears to be between private person and the petitioner and who is not made party to the present Writ Petition.

4] This Court would not entertain the petition in case there is a private dispute of the property and construction made thereon between two private parties, as in that case the petitioner has remedy available. The petitioner may avail the said remedy.

5] In that event, all the contentions of the petitioner are kept open. Writ Petition is disposed of. No costs.

[S.G.DIGE, J.]

[S.V.GANGAPURWALA, J.]

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