

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 9048 OF 2021

Chintamani Moreshwar Patil ...Petitioner
Versus
State Of Maharashtra & Ors ...Respondents

Mr. Sandeep Mishra for the Petitioner.
A. A. Alaspurkar, AGP for the Respondent-State

**CORAM : A. A. SAYED &
ABHAY AHUJA, JJ**

DATED : 16th DECEMBER, 2021

P.C.:

The Petitioner claims to be the owner of the land bearing survey no. 163/4/5 admeasuring OH-13-R-60P, Akarni 0.82 Paise, at village - Panchpakhadi, Taluka & District - Thane. The Petitioner has entered into a Development Agreement with a Developer. It is the case of the Petitioner that the Developer is constructing the building beyond the land for which the development permission is granted.

2. The dispute is essentially a private dispute between the Petitioner and the Developer. It is noticed that the Developer has been issued Commencement Certificate on 26.02.2020, which is the main grouse of the Petitioner. We do not see why the

Petitioner cannot file appropriate proceedings and apply for stay and safeguard his own property. Curiously, the Developer has not been impleaded by the Petitioner as party Respondent to the Petition.

3. Hence, we are not inclined to exercise the extra ordinary and discretionary writ jurisdiction of this Court and entertain the Writ Petition. Leaving the remedy of the Petitioner to file a suit or appropriate proceedings, as may be advised, against the Developer, open, we dismiss the Petition.

(ABHAY AHUJA, J.)

(A. A. SAYED, J.)