

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

WRIT PETITION NO. 1260 OF 2022

Premchand Gulabchand Nahar

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Mr. Sushant V. Dixit, Advocate for the Petitioner.

Mr. S. B. Yawalkar, Addl. G. P. for Respondents-State.

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

DATED : 25th JANUARY, 2022.

PER COURT:-

. We have heard Mr. Dixit, learned counsel for the petitioner.

2. The grievance of the petitioner is that the respondent Nos. 4 to 8 have carried out illegal construction on the open plots without obtaining construction permission. Those properties have not been recorded in Property Tax Register of the Nagar Panchayat. The respondents are encroachers on the road. In residential locality commercial complexes are built by them. The Chief Officer is not taking action because one of the respondent is a member of Nagar Panchayat. The Nagar Panchayat is put to loss as the property tax is not paid. The Nagar Panchayat is not taking action against the illegal construction.

3. The petitioner and respondent Nos. 4 to 8 are the members of the family. The dispute between them is pending before the Court. The Civil Suit was filed. Now, the dispute is in the second appeal as it appears from the contentions.

4. This Court would not entertain the petition involving private disputes on the private properties. The petitioner may take steps as may be permissible under law before the Civil Court or any other forum. The petitioner may also prosecute his application before the officer concerned in accordance with law.

5. As the matter pertains to a family dispute in respect of the property and the construction on the private property, we are not inclined to entertain the writ petition. If, any illegalities are committed, the planning authority is entitled to proceed in accordance with law.

6. Writ petition is disposed of. No costs.

(S. G. DIGE)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

PS.B.