

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.3181 OF 2022**

RAVSAHEB BABURAO TARAL

..PETITIONER

VERSUS

STATE OF MAHARASHTRA AND OTHERS

..RESPONDENTS

...

Mr. A. G. Ambetkar, Advocate for the Petitioner.
Mr. S. G. Karlekar, AGP for Respondents-State.

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

DATED : 07th MARCH, 2022.

PER COURT:-

1. Mr. Ambetkar, learned counsel for the petitioner submits that, the construction permission issued in favour of respondent no.5 is not as per the permissible FSI. The same deserves to be canceled. According to the learned counsel for the petitioner, earlier notice was issued on 13.08.2021 to respondent no.5 by the Municipal Council stating that, the construction is not as per the sanctioned map. Subsequently, after about six months, the respondent-Municipal Council gives letter that, the construction is as per the plan.

2. We have heard the learned A.G.P. also.

3. The respondent no.5 has been given construction permission to construct on his private property. Upon the complaint received from the petitioner, the inspection seems to have been carried out and it has been observed in the

impugned communication dated 22.02.2022 that, the construction is being made by respondent no.5 in accordance with the construction permission. The Engineer has also submitted the certificate that, the construction is as per the structural design and drawing and the complaint of the petitioner is disposed of.

4. It would appear that, it is a private dispute between two parties of construction carried out on private property. It is not a case that, construction is carried out on public property illegally.

5. As it is a case of private dispute between two parties of construction carried out on private property and disputed questions of facts exist, we are not inclined to exercise our writ jurisdiction under Article 226 of the Constitution of India. As such, Writ Petition is disposed of. No costs.

6. In case, there is any alternate remedy available, the petitioner may avail the same.

(S. G. DIGE)
JUDGE

(S. V. GANGAPURWALA)
JUDGE