

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

REVIEW APPLICATION (CIVIL) NO.22 OF 2022
IN WP/10382/2021

GAJENDRA NANAJI DANGAT
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for the Applicant : Ms.Sonawane Sunita G
AGP for the Respondents/ State : Shri S.G. Sangle

...

CORAM : RAVINDRA V. GHUGE
&
S.G. DIGE, JJ.

DATE :- 28th March, 2022

Per Court :-

1. The petitioner seeks review of the order dated 06.12.2021 passed by this Court in Writ Petition No.10382/2021, which reads as under :-

“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.”*

2. The copy of the communication dated 03.03.2022 issued by the Assistant Director, Town Planning, Ahmednagar Municipal Corporation, to the owners of CTS Nos.6052 and 7499, Shri Dashrath G. Mudgal and others, indicates that there is an irregularity with regard to the construction in two private properties bearing CTS Nos.6052 and 7499. Queries have been raised to the extent of ownership over the lands, measurement map to be prepared, documents to be perused and therefore, the request of Shri Mudgal seeking regularization of the construction

under Section 143 has been withheld.

3. Apparently, it appears that a private person, who has caused the construction, and seeks its regularization, is an issue that would fall within the domain of the Municipal Corporation. Our extra ordinary jurisdiction under Article 226 of the Constitution of India would not be invoked in the face of disputed questions and in the light of the dispute between two private property holders. If the petitioner desires, he would always be at liberty to take recourse to civil proceedings.

4. As such, we do not find any merit in the Review Application and the same is, therefore, rejected.

kps

(S.G. DIGE, J.)

(RAVINDRA V. GHUGE, J.)