

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

Writ Petition NO. 448 OF 2022

Vashu Panjumaal Kukreja

...Petitioner(s)

Versus

Ulhasnagar Municipal Corporation

Through its Commissioner & Ors.

...Respondent(s)

Mr. Haresh G. Punjabi for the Petitioner.

Mr. Suresh Kamble for Respondent Nos.1 to 3.

Mrs. K.N. Solunke, AGP for the Respondent No.5-State.

Mr. Rajesh Datar for Respondent Nos.7, 9 and 11.

Mr. Girish Godbole i/b Ms. Shruti Tulpule and Mr. Shivraj Patne for Respondent No.15.

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

**DATED: 17th January, 2022
(THROUGH VIDEO CONFERENCING)**

PC:-

1 The Petitioner has raised grievances in respect of alleged violations of Building permissions of the year 2012 and 2019 granted by the Respondent-Corporation to Respondent No.7 (Developer) and also seeks demolition of two buildings.

2 The Petitioner had filed earlier PIL being PIL No.17 of 2011 wherein on 6 December 2013 and 22 August 2014 the following orders were passed:

Order dated 6 December 2013:

“The Petitioner is directed to file an affidavit to state whether he was employed at any time in any capacity with Respondent No.6 or with any of its group companies, associate or sister company including Konark Infrastructure Limited. The Affidavit shall be filed latest by 27th December 2013. The affidavit shall also state whether the Petitioner has filed any other Public Interest Litigation against the parties herein or others.

2. The time for Respondent No.1 to comply with the previous orders is extended till further orders.
3. Stand over to 10th January, 2014.”

Order dated 22 August 2014:

“1 The learned Counsel appearing for the Petitioner, on instruction and as affidavit dated 9.4.2014 is also filed that the Petitioner was the ex-employee of Respondent Nos.7 to 10 who are the developers of the property in question and in view of earlier order, is not pressing the present PIL and the issues. The Respondents have no objection for such withdrawal and the disposal.

2 The Petition is accordingly disposed of. Interim order, if any, also stands vacated. Civil Applications are also disposed of accordingly. No costs.”

3 It is an admitted position that the Respondent No.7 has already filed a Civil Suit being Regular Civil Suit No.230 of 2021 at Ulhasnagar wherein the Respondent No.7 has challenged the notice dated 7 September 2021 issued

to it by the Respondent-Corporation threatening action under sections 45, 52 and 53 of the MRTTP Act. The Respondent-Corporation has thus taken action against the Respondent No.7, which action was taken pursuant to the complaints of the Petitioner. We are told that the Civil Court has granted interim relief in favour of Respondent No.7. Curiously one of the prayers of the Petitioners in the Petition is that the Civil Suit be stayed.

4 It is also an admitted position that in the Civil Suit, the Petitioner had sought to intervene by making an Application. The said Application however was rejected. After rejection of his Application, the Petitioner has filed the present Petition. The Petitioner appears to have some personal issues with the Respondent No.7 as he was at one point of time employed with the Respondent No.7. The apprehension, if any, of the Petitioner that the officers of the Respondent-Corporation may collude with the Respondent No.7, is misplaced as the Respondent-Corporation has already taken action by issuing Notice to the Respondent No.7 and the Civil Court is in seisin of the matter. It is expected of the Respondent-Corporation to take the notice issued to the Respondent No.7 to its logical conclusion, subject to the orders of the Civil Court, and the remedies of the Respondent No.7.

5 In our view, this is not a fit case to exercise the extra-ordinary and discretionary writ jurisdiction of this Court. The Petition is dismissed. No order as to costs. The remedy of the Petitioner to challenge the order rejecting his Application for intervention by the Civil Court is kept open.

(ABHAY AHUJA, J.)

(A.A. SAYED, J.)

SUDARSHAN
RAJALINGAM
KATKAM

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by SUDARSHAN
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