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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.686 OF 2022

Vivek Bajirao More

..... Petitioner

Vs.

Chief Executive Officer
Zilla Parishad Pune & Ors.

..... Respondents

Mr. Ashok Tajane with Ms.Rekha Musale for the Petitioner
Mr. A. R. Kapadnis for Respondent No.1.
Mr. Kalpesh Patil for Respondent Nos.5 and 6
Mrs. M. P. Thakur, AGP for the State

**CORAM: S.V. GANGAPURWALA &
VINAY JOSHI, JJ.**

DATED : MARCH 31, 2022

P.C.

1 The learned Counsel for the Petitioner submits that the Petitioner is a villager of the village where the activity of constructing a school building in illegal manner is in progress. The learned Counsel submits that necessary permissions are not obtained by the Respondents prior to construction of the school. Construction of the school is not being done according to the relevant Government Resolutions. Side margins are not left. The distance from

the road is not maintained. Various illegalities are committed. According to the learned Counsel, the Affidavit filed by the Executive Engineer of Public Works Department (PWD) also suggests, it is necessary to have site inspection and physical verification of the construction to arrive at a conclusion. The learned Counsel submits that even No-Objection Certificate has not been obtained from the Block Development Officer.

2 The learned counsel for the Zilla Parishad submits that the school was already functioning in a building in the same area. It had become dilapidated. As such new construction of the school has been done at same place. According to the learned Counsel, the father of the Petitioner has also filed a Civil Suit. He could not succeed in getting injunction and now the present Writ Petition is filed.

3 We heard the learned AGP.

4 At the outset, it appears that the Writ Petition is not bona fide. The father of the Petitioner has filed a Civil Suit. The temporary injunction Application is rejected. Thereafter the present Writ Petition is filed for the same

purpose. The Affidavit is already filed by the Executive Engineer of the PWD stating that the physical verification would be done and if the construction is not in accordance with the law and rules & regulations, necessary action would be taken. In view of that, it was not necessary for the Petitioner to proceed ahead with the Petition.

5 In the light of the Affidavit filed by the Executive Engineer of the PWD and the fact that the Petitioner is not affected person, the Writ Petition is dismissed.

(VINAY JOSHI, J.)

(S.V. GANGAPURWALA, J.)