

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

WRIT PETITION NO.7096 OF 2018

Shri. Dhanraj Nathuram Aswani

.. Petitioner

v/s.

The State of Maharashtra & Ors.

.. Respondents

Mr. Reddy (Aradwad) Jagdish G., for the petitioner.

Mr. Rohit Pramod Sakhadeo, for respondent No.2.

Mr. A. A. Alaspurkar, AGP for State.

Mr. Arjun Kadam a/w Mr. Vijay Patil, for respondent No.6.

CORAM : R.D. DHANUKA &

KAMAL KHATA, JJ.

DATED : 20TH SEPTEMBER, 2022.

P.C. :

1. By this petition Mr. Patil, learned counsel for respondent No.6 and Mr. Sakhadeo, learned counsel for respondent No.2 have raised issue of maintainability in this writ petition filed under Article 226 of the Constitution of India on the ground that no personal reliefs are sought by the petitioner.
2. In view of the objection raised by the learned counsel for the

respondents, on 14th September 2022 this Court directed the office to place this matter for direction to enable learned counsel for the petitioner to make a statement whether he wants to pursue this petition or to withdraw this petition and will file Public Interest Litigation or not.

3. Mr. Reddy, learned counsel for the petitioner on instructions states that his client is not willing to withdraw this writ petition and to file Public Interest Litigation. Statement is accepted.
4. We have perused the prayers in the writ petition. The petitioner claims to be social worker as stated in paragraph No.1 of the petitioner.
5. A perusal of the prayer indicates that petitioner seeks writ of mandamus against the respondent Nos.2 to 4 to take immediate necessary action under the provisions of Mumbai Municipal Corporation Act, 1949 to demolish the illegal and unauthorized construction on the plot mentioned in prayer clause 'b' of the petition. There is no cause of action insofar as the petitioner is concerned in this petition.
6. Writ petition is accordingly dismissed. No order as to costs.

(KAMAL KHATA, J.)

(R.D.DHANUKA, J.)