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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 10369 OF 2022**

Jasmeen Lalchand Upadhyay ...Petitioner
Versus
The State of Maharashtra Through ...Respondents
Government Pleader & Ors

Mr AM Saraogi, *for the Petitioner.*
Mr AI Patel, Addl GP, *with Mr PG Sawant, AGP, for the Respondent-*
State
Ms Chaitrali Deshmukh, *for Respondent Nos. 1 & 2.*
Mr Abdul Razzak Abdul Latif – *Respondent No. 3 – present in*
person.
Mr Prajot Jaggi, *for Respondents Nos. 4 to 7.*

**CORAM G.S. Patel &
 Gauri Godse, JJ.**
DATED: 19th September 2022

PC:-

1. The Petitioner complains that Respondent No. 4 is putting up an illegal construction on Survey No. 92, Hissa No. 1, Plot No. 1 admeasuring 515 sq mtrs and on Plot No.10 admeasuring 396 sq mtrs. The plots of land are at Dargah Road, Amrut Nagar, Village Mumbra, Thane District. Paragraph 2 of the Petition says that Respondents Nos. 4 to 7 illegally claim rights in respect of the property.

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2. The Petitioner filed a Regular Civil Suit No. 299 of 2021. An earlier ad-interim status quo order was vacated. The finding of the Civil Court was that the Plaintiff was unable to show any right, title, or interest in the property in question. What the Petitioner now seeks is an order of this court directing the public authorities, Respondents Nos. 1 and 2, to consider the Petitioners' representations regarding the alleged illegal constructions.

3. Mr Saraogi says that in the Petition, no question of a disputed question of title arises, and that all questions of title can be ignored for the time being. His only prayer is that Respondents Nos. 1 and 2 should simply consider the Petitioners' representations.

4. We do not think that any such order is possible. The petitioner availed of a civil remedy and failed to get any interim relief or a continuance of an earlier ad interim status quo order. If the title of the Petitioner to the property is in dispute anywhere, then the locus of the Petitioner to complain in this Writ Petition about illegal constructions is also not established. The entire Petition proceeds on the assumption that the Petitioner has uncontested title. That is not shown.

5. In such circumstances, no ground is made out for the exercise of our writ jurisdiction. The Writ Petition is rejected. No costs.

(Gauri Godse, J)

(G. S. Patel, J)