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

WRIT PETITION NO.740 OF 2022

Nisar Nasir Khan

..... Petitioner

Vs.

The State of Maharashtra and Ors.

..... Respondents

Mr.Atul Pathak i/b Mr.Pankaj Pandey for the Petitioner

Mr.P.P.Kakade, G.P. with Mr.A.A.Purav, A.G.P. for the State

Mr.Vijay Killedar for the Respondent no.5

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

DATED : MARCH 31, 2022

P.C.

. Heard.

2. The learned counsel for the petitioner submits that Respondent nos.5 and 6 did not obtain necessary permission. Illegal construction has been carried out. All other flats have been sold to the prospective purchasers. As illegality has been committed, Respondent nos.5 and 6 deserve to be restrained and authorities be directed to take action against the illegal construction.

3. Petitioner is total stranger to the construction.

Construction is on the private land.

4. It is not the case of the petitioner that the construction is carried out on the government property and / or municipal property and or on road.

5. It does not appear that the petitioner has also approached the planning authority complaining against the construction. Petitioner has without filing any representation or objection to the planning authority, directly approached this Court. Such a petition would not be tenable.

6. With the aforesaid observations, Writ Petition is disposed of. No costs.

(VINAY JOSHI, J.)

(S.V.GANGAPURWALA, J.)