

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

WRIT PETITION NO.3116 OF 2019

Shri Arvind M. More .. Petitioner.  
v/s.  
The State of Maharashtra & Others .. Respondents.

Mr. Sachin B. Thorat, for the Petitioner.  
Mr. R. S. Pawar, AGP for the Respondent-State.

**CORAM: S.V. GANGAPURWALA &  
VINAY JOSHI, JJ.  
DATED : 13<sup>th</sup> APRIL, 2022.**

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**PC:-**

We have heard the learned Counsel for the Petitioner.

2 The learned Counsel submits that illegal construction has been carried out upon the erroneous permissions granted by the Chief Officer of the Municipal Council. The Chief Officer of the Municipal Council without the proper procedure, on his own granted the permission, which he could not have.

3 It appears that construction is already over. The learned Counsel for the Petitioner further submits that the Petitioner has given representation to the Authority including the Collector, but no cognizance is taken on it.

4 The Petition is filed with the prayer to take legal action on the constructions carried out on Survey No.23/2. The person who has carried

out the alleged construction is not made a party to the Petition.

5           Moreover, the Petition appears to have been filed after the construction is completed. It is submitted that the occupancy certificate was granted on 30<sup>th</sup> August, 2017. It is, further submitted that subsequently, same is canceled.

6           The Petitioner claims to be the co-opted Councilor. In that event, he ought to have been more diligent in coming to the Court.

7           Be that as it may, it would be too late in a day to entertain the present Petition at the behest of the Councilor and without adding the affected party.

8           It is for the Petitioner to prosecute his representations before the Authority in accordance with law.

9           Writ Petition is disposed of. No costs.

(VINAY JOSHI,J.)

(S.V.GANGAPURWALA,J.)