

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

Writ Petition No. 1219 of 2022

[Samata Mahila Mandal, through it's President, Sau Ranjanabai Panchashil Gaikwad and anr. **..vs..**
Shri Purshottam Sukharam Durge and anr.]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. A. H. Joshi, Advocate for the petitioners

CORAM : ROHIT B. DEO, J.

DATED : 11-3-2022

The petitioners are the defendants 1 and 2 in Regular Civil Suit 12/2020 instituted by respondent 1 seeking decree of permanent injunction.

2. The substratum of the suit plaint is that defendants 1 and 2 are contemplating construction on the open public space in front of the residence of the plaintiff, without possessing the requisite building permission and which construction shall obstruct ingress and egress of the plaintiff to the residential house.

3. The plaintiff sought temporary injunction which the trial Judge refused. However, by the order impugned, the learned appellate Judge has reversed the order of the trial Judge and has injuncted defendants 1 and 2 from erecting the construction of the compound wall towards the northern side of the residential house of

the plaintiff till receipt of the requisite permission from the competent authority i.e. Municipal Council, Ballarpur.

4. In response to a specific query from the court, learned counsel conceded that while an application seeking such permission is made, as of now, there is no building sanction or permission from the competent authority.

5. In view of the uncontroverted position, I do not see any error in the order of the appellate court. The view which is taken is not only reasonable, it is the only view which could have been taken in the circumstances. The petition is dismissed.

JUDGE

wasnik