

Sumedh

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 4015 OF 2023

Sajid Abdul Rahman Thanavala ...Petitioner
Versus
State of Maharashtra & Ors ...Respondents

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Date: 2023.09.05
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Mr Azimuddin Kazi, with Rahil Hanfi for the Petitioner.
Mr Anand Kulkarni, for Respondent Nos.2 & 3.
Mr AA Alaspurkar, AGP, for the Respondent-State.

CORAM G.S. Patel &
Kamal Khata, JJ.
DATED: 4th September 2023

PC:-

1. We are unable to see how this Writ Petition is maintainable. The Petitioner is aggrieved by construction on the neighbouring plot. He alleges that it is illegal. What really seems to have aggrieved the Petitioner is that while under construction there was an incident and one of the Petitioner's family members was severely injured. But that will give the Petitioner a cause of action in a civil suit, conceivably a cause of action in tort for damages or injunction or both. From the Petition itself, we are unable to see what is the possible legal right vested in the Petitioner in regard to construction on the property of another person, or what is the obligation that is

owed by the Corporation to the Petitioner in regard to that construction.

2. Paragraphs Nos. 5, 6 and Ground D between them indicate that the entire cause of action is indeed one in tort.

3. We grant the Petitioner liberty to pursue civil remedies in a Court of appropriate jurisdiction. We decline to pass any order in the present Writ Petition, which is disposed of in these terms with no order as to costs.

(Kamal Khata, J)

(G. S. Patel, J)