

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 571 OF 2021

Reyaz Ahmed Yusuf Butler ... Petitioner

V/s.

The Municipal Corporation of Greater ... Respondent
Mumbai

Mr. Armaan Grewal a/w. Mr. rahul Raut for the petitioner.

Mr. Anoop Patil a/w. Ms. Pooja Yadav for MCGM.

Mr. T.D. Deshmukh a/w. Mr. H.D. Chavan for MHADA.

**CORAM : SUNIL B. SHUKRE &
M.W. CHANDWANI, J.J.**

DATE : 1ST FEBRUARY 2023.

P.C. :

We have heard learned counsel for the Petitioner and learned counsel for the Corporation for sometime.

2. During the course of the hearing, it is revealed that the petitioner, Reyaz Ahmed Yusuf Butler is not the owner of the property and the owner is another person, whose name is not mentioned anywhere in the petition. It has also emerged that the petitioner, Reyaz Ahmed Yusuf Butler, is the constituted attorney of the owner and landlord of the building known as Butler House situated at the place mentioned in the petition. The petition, therefore, ought to have

been filed in the name of owner through his constituted attorney. Even the verification done by the petitioner does not disclose the fact that it has been done on behalf of the owner and on the basis of the information received by the owner and/or from the record maintained by the owner, which has been gone through by the petitioner. Such petition, which has been filed in own name by a constituted attorney and not in the name of the owner without disclosing name of the owner in the body of the petition is not maintainable. The petition stands dismissed with liberty to the original owner to file a fresh petition, if so advised, keeping all questions open. No costs.

(M.W. CHANDWANI, J)

(SUNIL B. SHUKRE, J)