

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 1484 OF 2021

Virupaksh Chandrashekhar Savagaon ... Petitioners
and Anr.

V/s.

Vivekanand Chandrashekhar Savagaon ... Respondents
and Anr.

Mr. Makarand V. Raut for the petitioners.

Ms. Pooja Yadav I.by Mr. S.K. Sonawane for MCGM.

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

DATE : 1ST FEBRUARY 2023.

P.C. :

. Heard learned counsel for the petitioner and learned
counsel for the Respondent No. 2- Corporation. No one appears for
Respondent no.1

2. We find that basically the dispute underlying the cause
being espoused through this petition is private between the
petitioners and respondent no.1. The dispute pertains to removal of a
common wall between Flat no. 401 and Flat no. 402 and this has
been, according to the petitioners, constructed by the respondent
no.1.

3. In such a dispute, the appropriate remedy for the petitioners would be before the Civil Court of Competent Jurisdiction and not by invoking extra ordinary writ jurisdiction of this Court under article 226 of the Constitution of India.

4. We, therefore, relegate the petitioners to alternate civil remedy, which may be available to them in law, and thus the petition is disposed of.

(M.W. CHANDWANI, J)

(SUNIL B. SHUKRE, J)