

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 3526 OF 2019

Ashok Savalkar ... Petitioner

V/s.

The Commissioner, MCGM and 2 Ors. ... Respondents

Mrs. Urmila K. Sanil for petitioner.

Ms. Pooja Yadav for BMC.

**CORAM : SUNIL B. SHUKRE &
RAJESH S. PATIL, J.J.**

DATE : 21st JULY 2023.

P.C. :

Heard.

2. It is the contention of learned counsel for the petitioner that there is a existence an illegal drainage structure and therefore, it is necessary that it is diverted as per the approved plan.

3. In order to seek mandamus against the authority on such a proviso, it is necessary for the petitioner to first establish in fact that there is indeed in existence drainage which has been illegally constructed. However, there is not a single document filed on record to show that there is any admission given by any authority about existence of such illegal drainage. If that is so, we do not think that this petition is maintainable.

4. Learned counsel for the Corporation however, submits that as per the instructions received by her, the drainage has been constructed by such contractor of Maharashtra Housing Area and Development Authority and therefore, the petitioner may approach before the MHADA for redressal of the grievance. She also submits on instructions that there is already one complaint received by the Corporation in this regard and the Corporation has forwarded that complaint to MHADA.

5. In view of the above, we disposed of the petition while granting liberty to the petitioner to approach Maharashtra Housing Area and Development Authority by filing appropriate representation for redressal of the grievance.

(RAJESH S. PATIL, J)

(SUNIL B. SHUKRE, J)