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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

VASANT
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IDHOL

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WRIT PETITION NO.1433 OF 2023

Mohd.Kaushar Mohd. Sharif ...Petitioner
V/s.
The Municipal Corporation of Gr. Mumbai & Ors. ...Respondents

Mr.Piyush Singh with Mr.Krishnakant Singh for the Petitioner.

Mr.Kunal Waghmare for the Respondent – BMC.

**CORAM : SUNIL B. SHUKRE &
RAJESH S. PATIL, JJ.**
DATE : 9TH AUGUST, 2023.

P.C. :-

1. Respondent Nos.3, 4 and 5 are admittedly the co-owners of the Petitioner and yet the Petitioner is complaining that one of the co-owners has constructed some service station, without seeking any development permission. It seems that there is *inter-se* dispute between the co-owners and the said dispute can be resolved only through the civil suit filed before the Competent Authority. In fact, as informed by the learned counsel for the Petitioner, a civil suit has already been filed, in which Respondent Nos.3 to 5 have given an undertaking that they would not make any unauthorized construction.

2. In these circumstances, the remedy of the Petitioner lies elsewhere and the Petition being not maintainable is dismissed.

(RAJESH S. PATIL, J.)

(SUNIL B. SHUKRE, J.)