

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.265 OF 2022

Sitabai Jaggu Gaikwad (Deceased) .. Petitioner

Siddharth Jaggu Gaikwad

Vs.

Municipal Corporation of Greater Mumbai & Ors. .. Respondents

- Mr. D.V. Saroj i/b. Mr. Ashley Cusher for the Petitioner.
- Ms. Uma Palsuledesai, AGP for State.
- Mr. Kunal Waghmare i/b. S.K. Sonawane for MCGM.

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

DATE : 19TH JANUARY, 2023.

P.C. :

1. Heard learned counsel for the petitioner.
2. In Para 2 of this petition, the petitioner has stated that she is filing the present petition being aggrieved by the inaction and failure on the part of Respondent Nos.1 and 5 to perform their statutory duties. The statutory duties expected to be performed by Respondent No.1 and 5 are of initiating action for removal of illegal construction carried out by Respondent Nos.7, 8, 9 and 10 on the property belonging to the petitioner. For such a grievance, it would be necessary for the petitioner to file a civil suit, if so advised, but certainly the petitioner cannot approach this Court

by invoking its extra ordinary jurisdiction under Article 226 of the Constitution of India. The grievance of the petitioner involves disputed question of facts. In this view of the matter, the petition stands dismissed with liberty to the petitioner to take recourse by availing of alternate remedy as available in law.

[M.W. CHANDWANI, J.]

[SUNIL B. SHUKRE, J.]