

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

WRIT PETITION NO. 198 OF 2023

Anil Gulabdas Shah

...Petitioner

V/s.

The State Of Maharashtra

... Respondent

Mr. O. K. Shailesh for the Petitioner.

Mr. Anil R. Mishra for the Respondent No.3

Mr. Milind More AGP a/w. Mr. S. B. Gore AGP for State.

Mrs.Pooja S. Yadav for the Respondent-MCGM.

CORAM : SUNIL B. SHUKRE &
RAJESH .S. PATIL, JJ.

DATED : 22nd JUNE, 2023

P.C.:

1. Heard.

2. The grievance of the petitioner is that the Respondent has issued notices to the Respondent No.3 for demolition of the unauthorized structure constructed by the Respondent No.3 and same is demolished also earlier but the Respondent No.3 keeps repeating his illegal acts of carrying out unauthorized construction. Yet, another unauthorized structure has been constructed on the piece of land,

owned and possessed by the Petitioner, submits learned counsel. Since this is the only grievance of the Petitioner, the most appropriate remedy for redressal of his grievance would be filing of civil suit, which Petitioner has already done and that suit is pending for consideration as informed by learned counsel for the Petitioner. Such being the factual situation of the present case and since there is also a civil suit pending in respect of the same grievance raised in this Petition, this Petition is not maintainable and stands disposed of as such. No costs.

3. We make it clear that this order shall not come in the way of the Petitioner in pursuing the civil remedy.

(RAJESH S. PATIL, J.)

(SUNIL B. SHUKRE, J.)