

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.15055 OF 2023

Mahomad Akaram Mohamd Muslim
Khan

...Petitioner.

Versus

Deepak Meghji Savla and Ors.

...Respondents.

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Mr. Anilkumar K. Patil for the Petitioner.

Ms. Poonam Sheth i/b Navdeep Vora and Associates for Respondent
Nos.1 to 14.
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CORAM: SHARMILA U. DESHMUKH, J.
DATED: 22nd FEBRUARY, 2024.

P. C. :

1. Ms. Sheth, learned counsel for respondents submit that respondent No.11 and 12 have expired. Mr. Patil, learned counsel for petitioner submits that respondent Nos.11 and 12 will be deleted from the array of respondents. Let amendment be carried out forthwith.

2. Petitioner before this Court is the complainant at whose instance, the Collector had initiated action in respect of the alleged illegal godowns constructed by private respondents. Subsequently, the Additional Commissioner as well as the State Government through Hon'ble Minister

for Revenue while confirming the orders of District Collector as well as Additional Commissioner remanded the matter back for fresh inquiry to the District Collector .

3. The status of the petitioner herein is that of vigilant citizen who has brought the issue of illegal construction to the notice of the concerned Authority who have acted upon the same.

4. Subsequently, the private respondents carried the matter up to the Hon'ble Minister who has passed the impugned order. Despite the fact that the petitioner was a party to the proceedings, no rights of the petitioner have been infringed so as to maintain a petition at the instance of the petitioner. It is open for the petitioner to adopt other remedies in respect of illegal construction. However as rights of the petitioner are not affected, he has no locus to challenge the orders passed by the concerned Authorities.

5. Writ Petition is disposed of with liberty to the petitioner to adopt other remedies, if permissible in law.

(SHARMILA U. DESHMUKH, J.)