

Arun

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 1425 OF 2024

Milan Madhukar Patil & Ors ...Petitioners
Versus
The Commissioner MCGM & Ors ...Respondents

Mr Shriram Kulkarni, i/b Sachin Chavan, for the Petitioners.
Ms Lavina Kriplani, AGP, for the Respondent-State.
Ms Pooja Yadav, for the Respondent-MCGM.

CORAM G.S. Patel &
M.M. Sathaye, JJ.
DATED: 18th March 2024

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PC:-

1. We confess that we are unable to understand what is to be made of prayer clause (a) of this Petition ostensibly under Article 226 of the Constitution of India. It reads thus:

“(a) Be pleased to hold and declare that the Petitioners are not concerned with any unauthorised construction upon suit land belonging to the State Government on the basis of the IOD issued in the name of Respondent No.4 as the Constituted Attorney of Aakhad Shaniwar Patil & others.”

2. Then there are all kinds of other prayers, including that we must direct officers to visit the land, take possession and so on.

These are all the subject matters of a civil suit. There is no question of a civil suit being barred merely because an Intimation of Disapproval (“**IoD**”) has been issued. The challenge is not to an IoD in respect of CTS No 1/A/1. The IoD at page 56 is indeed in respect of that. The developer holds a power of attorney *inter alia* from the Petitioners. But the developer seems to have begun construction on CTS No 1/A/5 with which Mr Kulkarni says the Petitioners have no concern and which belongs to the Government.

3. If this be so, then all that remains is for the Petitioners to write to the MCGM saying that they have no concern with CTS No 1/A/5 and that they have granted no power of attorney in regard to that plot. Thereafter, it is for the MCGM to take whatever action it deems fit in regard to construction on CTS No 1/A/5.

4. At this point Mr Kulkarni for the Petitioners says that all this is “a complete fraud”. This is even less illuminating. Mr Kulkarni then says that all other contentions may be left open. They are.

5. This is sufficient to dispose of the Petition. The Petition is disposed of in these terms with no order as to costs.

(M.M. Sathaye, J)

(G. S. Patel, J)