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Mohammad Ovesh Vs. the Commissioner

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SooperKanoon Citation : sooperkanoon.com/1054546

Court : Madhya Pradesh

Decided On : Dec-19-2012

Appellant : Mohammad Ovesh

Respondent : The Commissioner

Advocate for Pet/Ap. : Shri. Aditya Sharma

Judgement :

1 W.P.No.21256/2012 Mohd.

Ovesh versus Municipal Corporation 19.12.2012 Heard Shri Aditya Sharma learned counsel for the petitioner, on the question of admission and interim relief.

The petitioner has filed this petition praying for a direction to the respondent Corporation to take a decision on the application filed by the petitioner seeking demolition of house nos.392, 393, 393/1, 393/2, 393/3, 394, 395, 396 and 396/2 situated in Subhash Ward, Subhash Chowk, Katni on the ground that the property belongs to the petitioner and requires to be demolished as it is more than 100 years old and may fall at any time and being in a dilapidated condition steps be taken under section 309 and 310 of the Municipal Corporation Act, 1956.

The issue raised by the petitioner in the present petition involves several disputed questions of fact which cannot be gone into under Article 226 of the Constitution of India.

Moreso as the petition filed by the petitioner is also not maintainable on the ground 2 W.P.No.21256/2012 Mohd.

Ovesh versus Municipal Corporation that he has not impleaded any of the tenants who are occupying the aforesaid houses and who are necessary parties in the present petition.

In the aforesaid facts and circumstances, I find no reason to issue any direction as prayed for by the petitioner in the present petition.

The petition, filed by him being meritless, is accordingly dismissed.

(R.S.JHA) JUDGE mms/-

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