

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

PUBLIC INTEREST LITIGATION NO.111 OF 2003

Shri Faquirchand Sharma

.. Petitioner

Vs.

State of Maharashtra & Ors.

.. Respondents

None for the petitioner.

Mr.V.S.Gokhale AGP for respondent no.1.

Mr.A.Y.Sakhare, Sr.Advocate a/w Mrs.Geeta Joglekar for respondent no.2.

**CORAM : A.S.OKA &
K.R.SHRIRAM, JJ.**

DATE : 24th August, 2015

P.C.

1 None appears for the petitioner. The prayer in this petition under Article-226 of the Constitution of India is for issuance of a writ of mandamus directing the 2nd respondent to take action of demolition in respect of illegal construction undertaken by 3rd to 6th respondents.

2 Smt.Chanda Jadhav, Assistant Commissioner 'T' ward of the Bombay Municipal Corporation has filed an affidavit dated 23.7.2015. She has stated that when she personally inspected the site, she noticed that there existed a ground + 1 structure occupied by 21 occupants. Hence, a notice

has been served to the owners and occupiers under Section 351 of MMC Act. It is stated that the occupiers of individual 21 rooms did not reply to the notices, but after considering the reply received from one Shri Prashant Vichare claiming to be the owner, the Assistant Engineer (B & F)/D.O.(I) has passed a detailed speaking order of demolition on 17.7.2015.

3 We must note here that the said Prashant Vichare challenged the said order by filing Writ Petition (L) No.2195 of 2015. In the said petition, the said Prshant Vichare gave an undertaking to apply for regularization of the said structure. He has also given undertaking that in the event the application for regularization is rejected, he will remove the structure himself. By accepting the said undertaking, petition has been disposed of. Hence, action in respect of the illegal structure/subject matter of this PIL, has been taken by the Municipal Corporation. Hence, no further direction is required to be issued.

4 Accordingly, PIL disposed of with no order as to costs.

(K.R. SHRIRAM, J.)

(A.S.OKA,J)