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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

PUBLIC INTEREST LITIGATION NO.183 OF 2004
WITH
CIVIL APPLICATION NO.188 OF 2014

K.Ramchandra Bhat

..Petitioner.

V/s.

The Government of Maharashtra & Ors.

..Respondents.

None for the petitioner.

Mr. S.N.Patil, AGP for the respondent No.1.

Mr.A.A. Garge for the respondent No.3.

**CORAM : A.S.OKA AND
A.K. MENON, JJ.**

DATED : 20TH FEBRUARY, 2015

P.C. :-

1. When the petition is called out for final hearing, the petitioner appearing in person is not present. On 20th December, 2014, when the petitioner was absent, a notice was ordered to be issued to the petitioner, returnable on 30th January, 2015. On 30th January, 2015, the petitioner was present and the Court passed an order directing that the petition shall be listed on the weekly board of the week commencing from 16th February, 2015. Though the petitioner was aware of the listing of the matter on the weekly board of this week, he is not present.

2. The learned counsel appearing for the third respondent Municipal Corporation submits that in the year 2007-08, the

Development Control Regulations have come into force. In the additional affidavit filed by the petitioner on 13th December, 2005, he has made a grievance about the illegal change of user, even in relation to the some of the premises in the building in which he is residing. As far as prayer (c) is concerned, specific particulars have not been set out in the petition.

2. As far as prayer clause (e) is concerned, the petitioner can always make a representation to the concerned authority of the Municipal Corporation pointing out the specific instances of encroachment on open spaces by shop-keepers and commercial establishments. If such specific instances are brought to the notice of the Municipal Corporation and if the Municipal Corporation finds that there are illegal extensions, it is bound to take appropriate steps.

3. As far as the grievance regarding the change of user is concerned, the Development Control Regulations have come into force and the same will be governed by the Regulations.

4. Subject to what is observed above, it is not necessary to entertain this PIL. We accordingly dispose of the petition.

5. As the PIL is disposed of, the Civil Application does not survive and the same is disposed of as such.

(A.K.MENON, J.)

(A.S.OKA, J.)