

FARAD CONTINUATION SHEET

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.2711 OF 2015
IN
WRIT PETITION NO. 2338 OF 2015

Office Notes, Office
memorandum of Coram,
appearances, Court's
orders or directions &
Registrar's orders.

Court's or
Judge's orders.

Shri A.V. Anturkar, Senior Advocate i/by Shri Sugandh B. Deshmukh for the Applicant.
Shri V.S. Gokhale, AGP for the Respondent State.
Shri Rajdeep S. Khadapkar for the Respondent Nos.3 and 4.
Shri P.K. Dhakephalkar, Senior Advocate i/b Shri Rohit S. Gangawane for the Respondent
No.5.

CORAM : A.S. OKA &
VLACHLIYA, JJ
DATED : 5TH OCTOBER 2015

P.C.:

. What is challenged by way of this Civil Application is an order made on the basis of a notice issued under Section 260 of the Maharashtra Municipal Corporation Act, 1949, Though the contention of the Applicant is that a notice was issued on the basis of the order passed in the Writ Petition, we find that the allegation against the Applicant is that a compound wall has been unauthorisedly constructed.

2. Therefore, the challenge to the action under Section 260 of the said Act of 1949 cannot be entertained by way of a Civil Application. Accordingly, we dispose of the Civil Application by granting liberty to the Applicant to take out appropriate proceedings. To enable the Applicant to do so, the order of demolition shall not be implemented for a period of two weeks from today.

(V.L. ACHLIYA, J)

(A.S.OKA, J)

Certified to be true and correct copy of the original
signed Judgment/Order.