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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.11787 OF 2015**

Shri Bharat Shivram Patil	Petitioner
Vs.	
The Managing Director, City and Industrial Development Corporation and Ors.	Respondents

Mr. Rahul Thakur for the Petitioner.
Mr. B.B. Sharma for the Respondent Nos.1 to 4.
Mr. V.S. Gokhale, AGP for the Respondent No.5 to 9.

**CORAM : A.S. OKA &
G.S. PATEL, JJ.**

DATE : 21st DECEMBER, 2015

P.C.

- 1 Not on board. Taken on board.
- 2 Heard the learned counsel appearing for the Petitioner and the learned counsel appearing for the Respondent Nos.1 to 4. The challenge is to the action of demolition based on the notice dated 16th August, 2012 under Sub-Section (1) of Section 54 of the Maharashtra Regional and Town Planning Act, 1966 (for short "MRTP Act").
- 3 The learned counsel appearing for the Petitioner fairly accepts on instructions that the construction continued even after 16th August, 2012. The construction as noted in the notice dated 16th August, 2012 admeasures 1625.40 square meters. The construction is admittedly

of a building consisting of ground plus four floors. Admittedly, the Petitioner has not obtained any permission before constructing the said structure from any authority. It is claimed that the same has been constructed by way of necessity in a gaathan area. Considering the extent of illegal construction and admitted position that the same has been carried out without obtaining any permission, no case is made out for interference in the writ jurisdiction under Article 226 of the Constitution of India. The Petition is rejected.

(G.S. PATEL, J)

(A.S. OKA, J)