

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.12072 OF 2013

Shri Bhalchandra K. Londhe and Others. .. Petitioners
Vs
Vasai Virar Municipal Corporation and Others. .. Respondents

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Shri P.B. Shah i/by Shri Kayval P. Shah for the Petitioners.
Shri Vishesh Kalra i/b Vidhi Partners for the Respondent No.1.
Shri V.S. Gokhale, AGP for the Respondent Nos.2 to 8.
Shri Ashutosh R. Gole for the Respondent No.9 to 13, 15 and 16.

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CORAM : A.S. OKA &
VLACHLIYA, JJ
DATED : 17TH OCTOBER 2015

P.C.

. Heard the learned counsel appearing for the Petitioners, the learned counsel appearing for the first Respondent, the learned counsel appearing for the ninth to thirteenth, fifteenth and sixteenth Respondents.

2. The grievance made in this Petition under Article 226 of the Constitution of India is as regards the failure of Vasai-Virar Municipal Corporation to take action of demolition in respect of several illegal structures. We have perused the affidavit of Shri Ravindra Govind Borse, the Assistant Acting Commissioner of the said Municipal Corporation. It is stated in the affidavit that the action of demolition

has been taken by demolishing the construction of 56 rooms and 20 basements. However, it is merely stated that as a suit has been filed in the Civil Court, the demolition drive has been kept on hold. Our attention is invited to the order dated 27th January 2014 passed by the learned 2nd Joint Civil Judge, Junior Division, Vasai, in Regular Civil Suit No.605 of 2013. The said order expressly permits the Municipal Corporation to take action of demolition after issuing notices or after following the due process of law. The learned counsel appearing for the ninth to thirteenth, fifteenth and sixteenth Respondents states that in another suit, an identical order has been passed.

3. We direct the Designated Officer of the Municipal Corporation to visit the lands subject matter of this Petition and to ascertain how many illegal structures have been erected thereon. After making a survey, the Designated Officer of the Municipal Corporation shall initiate action of demolition against the illegal structures in accordance with law.

4. The action of carrying out survey shall be completed within a period of two months from today. The notices shall be issued in respect of the illegal structures within a period of four months from today. Thereafter, the officers of the Municipal Corporation shall take further steps in accordance with law for demolition of the illegal

structures.

5. We make it clear that we have made no adjudication on the inter se dispute between the Petitioners and the contesting Respondents.

6. The Petition is disposed of with above directions.

(V.L. ACHLIYA, J)

(A.S. OKA, J)