

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.***

WRIT PETITION NO. 2342 OF 2014

Khan Mohammed Yousuf & anr. ... Petitioners

v/s

Municipal Corpn. Of Gr. Mumbai & ors. ... Respondents

Mr.Altaf Khan I/by Anjali Awasthi/Yousuf Khan for the petitioner.

Mr.D.A. Nalawade, Govt. Pleader for the respondent Nos.4 and 7.

Ms.Shobha Ajithkumar for respondent Nos.1 to 3.

Mr.Joel Cardoz i/by S.M.Kazi for the respondent No.6.

***CORAM: MRS. VASANTI A. NAIK &
MRS. MRIDULA BHATKAR, JJ.***

DATED : 11TH MARCH, 2015

P.C.:

Heard.

By this petition, the petitioners seek a direction to the respondent Corporation to initiate an action against the respondent Nos.5 and 6 from making illegal construction in the locality. It is stated that, despite the issuance of the notice by the Corporation to the respondent Nos.5 and 6 under Section 354A of the Mumbai Municipal Corporation Act, the Corporation has not taken any further action.

It is brought to the notice of this Court by the learned counsel for the Corporation and the respondent No.6 that the notices issued by the Corporation to the respondent Nos.5 and 6 under Section 354A of the Act, are challenged in the petition which is pending in this Court.

In view of the pendency of the writ petition filed by the respondent Nos.5 and 6 against the notices under Section 354A of the Act, it would not be possible for this Court to direct the Corporation to take the action of demolition of the construction made by the respondent Nos.5 and 6. It would be within the jurisdiction of the Court before which Writ Petition (L) No.142 of 2015 is pending, to consider whether the notice is bad in law and/or whether the construction made by the respondent Nos.5 and 6 is liable to be demolished.

In the aforesaid set of facts, we dispose of the writ petition with no order as to costs.

(MRIDULA BHATKAR, J.)

(VASANTI A. NAIK, J.)