

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.2333 OF 2014

Mr.Sushil Upadhye i/b Ashok Saraogi for the
Petitioner
Mr.Rajiv Mane, AGP for State
Mr.Ashutosh Kaushik i/b Kaushik & Co. the respondent
Nos.3 and 4
Mr.H.C.Pimple for BMC.

P.C.:

1 The learned counsel for the respondent Nos.3 and 4 states that except for a small portion of the building in question, entire building has been demolished. Even the order dated 16th May 2014 passed by a Division Bench of this Court in Vacation records the statement of an Officer of the Mumbai Municipal Corporation that 75% of the structure has been demolished. Therefore, no relief can be granted in this petition as regards the notice under section 354 of the Mumbai Municipal Corporation Act, 1888. The petitioner is free to prosecute the remedies against the respondent Nos.3 and 4. The respondent No.3, even according to the petitioner, is the owner of the building and the respondent No.4

is the developer appointed by the respondent No.3.

2 Therefore, we decline to entertain this petition under Article 226 of the Constitution of India. However, the remedies available, if any, to the petitioner against the respondent Nos.3 and 4 are kept open. The petition is disposed of.

(C.V.BHADANG,J.)

(A.S.OKA,J.)