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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO.2529 OF 2013

Shivbhuvan Dayashankar Sharma	... Petitioner
Vs.	
The Municipal Corporation of Greater Mumbai and Ors.	... Respondents

Mr. A.K. Singh, for the Petitioner.
 Ms. Bhagyashri Gawas i/by M/s. C.K. Tripathi, for Respondent Nos.3
 and 6.
 Ms. Shobha Ajitkumar, for Respondent Nos.1 an 2 – BMC.

CORAM : A.S. OKA & A.P. BHANGALE, JJ
DATED : 13th APRIL, 2015

PC.

. Heard the learned counsel appearing for the Petitioner, the learned counsel appearing for the first and second Respondents and the learned counsel appearing for the third to sixth Respondents. Perused the complaint made by the Petitioner to the Assistant Municipal Commissioner, 'H' ward (Exhibit-'E' to the Petition). The grievance of the Petitioner is regarding the alleged encroachment by the contesting Respondents on the property allegedly owned by him. As far as the grievance regarding encroachment on the private property is concerned, the Municipal Corporation is powerless to take any action and it is for the Petitioner to adopt appropriate remedy in accordance with law.

2. However, if any illegal construction as alleged by the Petitioner exists, the second Respondent is bound to take action in accordance with law as far as the demolition of the illegal construction is concerned. We, accordingly, direct the second Respondent to look into the complaint made by the Petitioner as regards the alleged illegal construction and take action in accordance with law. It is obvious that the second Respondent is bound to comply with the principles of natural justice by giving an opportunity of being heard to the third to sixth Respondents.

3. Subject to above directions, the Petition is disposed of.

(A.P. BHANGALE, J)

(A.S. OKA, J)