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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION  
PUBLIC INTEREST LITIGATION NO.88 OF 2015**

|                                                     |                 |
|-----------------------------------------------------|-----------------|
| DISHA                                               | ... Petitioner  |
| Versus                                              |                 |
| Municipal Corporation of<br>Greater Bombay and Ors. | ... Respondents |

**WITH  
NOTICE OF MOTION (L.) NO.880 OF 2015**

|                                                     |                 |
|-----------------------------------------------------|-----------------|
| Gasper Xavier D'Silva I                             | ... Applicant   |
| <u>In the matter between</u>                        |                 |
| DISHA                                               | ... Petitioner  |
| Versus                                              |                 |
| Municipal Corporation of<br>Greater Bombay and Ors. | ... Respondents |

**WITH  
NOTICE OF MOTION (L.) NO.881 OF 2015**

|                                                     |                 |
|-----------------------------------------------------|-----------------|
| Malti Anil Kumar Vyas                               | ... Applicant   |
| <u>In the matter between</u>                        |                 |
| DISHA                                               | ... Petitioner  |
| Versus                                              |                 |
| Municipal Corporation of<br>Greater Bombay and Ors. | ... Respondents |

Mr. Simil Purohit with Mr. Kalpesh Joshi for the Applicant/ Intervenors in N.M.(L.) No.880 of 2015 and N.M.(L.) No.881 of 2015.

Mr. G.S. Godbole i/by Mr. Manish Upadhye, for the Petitioner.

Ms. Trupti Puranik for the Respondent – BMC.

Mr. Vaibhav M. Parshurami for the Respondent No.4 – MHADA.

Mr. Y.K. Tiwari for the Intervenors.

Mr. Mohit Jadhav, AGP for the Respondent No.5 – State.

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

**DATE : 21<sup>st</sup> DECEMBER, 2015**

**PC.**

1. In the present PIL, the contention of the Petitioner is that there are unauthorised constructions made in the area of Aaram Nagar Part I and II situated at Versova, Andheri (W), Mumbai and that the Authorities have failed to take action. Today an affidavit has been filed by Shri Tarakant Atmaram Pawar, the Assistant Engineer B & F K/W ward. In the affidavit, it is stated that unauthorised vertical and horizontal extensions have been made by the occupants of premises of the existing structures. Notices under Section 351 of the Mumbai Municipal Corporation Act, 1988 have been issued. It is stated that even final orders have been passed on the basis of the notices issued under Section 351 and some of the occupiers have challenged the final orders by filing civil suits.

2. The Municipal Corporation has adopted due process of law. In fact, in paragraph 5 of the affidavit, it is stated that demolition has already commenced on 18<sup>th</sup> December, 2015. It is obvious that the Municipal Corporation is bound to follow due process of law before demolishing the illegal structures and/or illegal extensions. Those who

are aggrieved by the actions of the Municipal Corporation have to adopt appropriate remedy in accordance with law. Hence, intervention applications being Notice of Motion (L.) No.880 and Notice of Motion (L.) No.881 of 2015 need not be entertained. Place the PIL on 9<sup>th</sup> February, 2016. In the meanwhile, MHADA will have to deposit the requisite amount as demanded by the Municipal Corporation. The amount demanded shall be deposited within a period of three weeks from today.

3. If the Municipal Authorities need police protection for carrying out the work of demolition, the officer in-charge of the concerned local police station shall provide the police protection on an application being made by the concerned Municipal Officer. It will be open for the Municipal Corporation to raise an additional demand on MHADA towards the estimated cost of demolition.

4. Subject to what is observed above, both the Notices of Motion are disposed of.

5. Further compliance affidavit shall be filed on or before the next date.

(G.S. PATEL, J )

(A.S. OKA, J )