

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 12215 OF 2015

Jude Joseph Dsouza and another ...PETITIONERS

versus

Bhusawal Municipal Council
Through Mr. B.T. Baviskar
Chief Officer and others ...RESPONDENTS

.....

Mr. Aniket Ujjwal Nikam Advocate holding for
Mr. Ashish Satpure, Advocate for petitioners
Mr. G.V. Wani, Advocate for respondent No. 1
Mr. S.P. Shah, Advocate for intervenor.
Mr. G.A. Kulkarni, Advocate for respondent No. 4

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**WITH
CIVIL APPLICATION NO. 1811 OF 2016
IN
WRIT PETITION NO. 12215 OF 2015**

Harinder Kaur Gudeepsingh Chhabda ...APPLICANT

versus

Jude Joseph Dsouza and others ...RESPONDENTS

.....

Mr. S.P. Shah, Advocate for applicant
Mr. Aniket Ujjwal Nikam Advocate holding for
Mr. Ashish Satpure, Advocate for respondent No. 1
Mr. G.V. Wani, Advocate for respondent No. 3
Mr. G.A. Kulkarni, Advocate for respondent No. 6

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**CORAM : S. V. GANGAPURWALA AND
K.K. SONAWANE, JJ.**

DATED : 15th JUNE, 2016.

Order :-

1. Present petition is filed by the petitioners for seeking directions against respondent No. 1 - Municipal Council, Bhusawal (for short"

Council) to demolish the illegal and unauthorized construction on CTS No. 220 situated at Bhusawal.

2. Learned counsel for the petitioners states that pursuant to notice dated 26-02-2016 the petitioners be allowed to demolish construction or the person who is in occupation would demolish it on his own and if the same is not done, respondent No. 1 - Council may demolish it and petitioners are ready to bear the expenses for the same.

3. We have heard learned advocates for petitioners, respondent No. 1- Council and also the intervenor.

4. Present petitioners have purchased tenanted property in December, 2013. Regular Civil Suit bearing No. 128 of 2008 is filed by the predecessor in title of the present petitioners against the present intervenor for eviction and recovery of rent. One of the ground raised by the petitioners - plaintiffs in the suit is that illegal construction is carried out by the intervenor.

5. Present petition certainly is filed by the petitioners in personal interest.

6. Even if we ignore the same, respondent No. 1- Council has filed affidavit-in-reply stating that the Council has issued notice on 26-02-2016 to the petitioners and also directed them to remove illegal construction. The notice is issued to the present petitioners being owners of the property. It is for the Council to take steps in accordance with the provisions of Maharashtra Regional Town Planning Act, 1966

read with provisions of Maharashtra Municipal Councils Nagar Panchayats and Industrial Townships Act, 1965.

7. Mr. Wani, learned counsel for respondent No. 1 - Council submits that the Council would take further steps in the matter in accordance with provisions of statute and as present petition was pending all further steps were not taken.

8. Needless to state that it is for the Council to take steps, as per the mandate of the provisions of statute. As statement is made that further steps would be taken expeditiously pursuant to notice dated 26-02-2016, we accept the same.

9. Needless to state that if any steps are taken by the respondent – Council, the parties are at liberty to take such recourse and defenses as may be permissible in Law.

10. Writ Petition stands disposed of. No costs.

11. In view of disposal of writ petition, nothing survives in pending civil application and the same stands disposed of accordingly.

Sd/-

[K. K. SONAWANE, J.]

Sd/-

[S. V. GANGAPURWALA, J.]