

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
PUBLIC INTEREST LITIGATION NO. 17 OF 2016

Mohd. Mansoor Mohd. Atik Ansari	.. Petitioner
V/s	
State of Maharashtra & Ors.	.. Respondents

Mr. A.S. Rao with Mr. P.C. Kamble for the petitioner.
Mr. P.P. Pabale, AGP for the State.
Mr. N.R. Bubna for respondent nos.2 and 3.
Mr. Rajesh Datar with Mr. Dushyant Pagare for respondent nos. 4 and 5.

**CORAM: DR. MANJULA CHELLUR, CJ. &
M.S. SONAK, J.**

DATE : 18th NOVEMBER 2016

P.C.:

In compliance with the directions dated 21st October 2016, affidavit of an officer of the respondent Corporation is placed on record, who categorically contends that there is unauthorised construction though it is not on the public road.

2. Since the Misc. Appeal No.111 of 2016 is disposed of by the District Court, Thane directing the Trial Court to dispose of the entire suit within 3 months, we are of the opinion that the Trial Court is seized of the matter to decide whether there is any unauthorised construction or not. There is no need to keep the PIL

pending. The petitioner is permitted to implead himself as a defendant to the suit so as to assist the Court to decide the controversy finally and effectually.

With these observations, the PIL is disposed of.

(M.S. SONAK, J.)

CHIEF JUSTICE