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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.1713 OF 2016**

Shri. Ganesh Balaram Bhoir

Petitioner

Vs.

CIDCO & Ors.

Respondents

Mr. R.D. Soni a/w Mr. S.N. Gawade i/by Shree and Co. for the
Petitioner.

Mr. A.M. Kulkarni for the Respondent Nos.1 and 2.

Mrs. M.P. Thakur, AGP for the Respondent No.3 - State.

**CORAM : A.S. OKA &
C.V. BHADANG, JJ.**

DATE : 16th FEBRUARY, 2016

P.C.

. **Not on Board. Taken on Board.**

. Heard the learned counsel appearing for the Petitioner and
the learned counsel appearing for the City and Industrial Development
Corporation of Maharashtra Limited. Leave to amend is granted in terms
of the draft tendered which is taken on record and marked 'A' for
identification. On 17th June, 2014, a notice was served by the CIDCO to
the Petitioner under Section 54(1) of the Maharashtra Regional and
Town Planning Act, 1966 (for short 'MRTP Act') pointing out that the
construction of RCC columns was illegally commenced by the Petitioner

and calling upon the Petitioner to stop the construction. On 16th December, 2014 the present Petitioner replied to the said notice though the notice was in the name of one Akrambhai. He candidly stated that by demolishing the old house, he was making a construction of new house. Thereafter, the final notice was served by the CIDCO on 6th July, 2015 to the Petitioner.

2 The challenge in the Petition is to both the notices dated 17th June, 2014 and 6th July, 2015. The document annexed to the Petition by way of amendment tendered today is the Municipal Tax Bill issued by the Mumbai Municipal Corporation which shows that the structure is made of AC Sheets. Today, the learned counsel appearing for the Petitioner tenders a photograph of the structure which is taken on record and marked 'X-2' for identification. The said photograph shows that the Petitioner has constructed huge RCC building consisting of ground plus four upper floors. Even according to the contention of the learned counsel appearing for the Petitioner, the built up area of the structure is approximately 10,000 square feet. Admittedly, the entire construction has been made without obtaining permission of an Planning Authority.

3 Though the Petitioner was put to notice in the year 2014 by

a stop work notice dated 17th June, 2014 that he cannot carry out any illegal construction, the Petitioner has brazenly proceeded to carry on the construction and has carried out construction of a multi-storied RCC building having an area of 10,000 square feet.

4 At all stages, the Petitioner was aware that he cannot carry out any construction without permission of the Competent Authority. Considering the extent of the illegal construction carried out by the Petitioner and considering the fact that the same was done in absolute brazen manner, such a Petitioner cannot be allowed to invoke writ jurisdiction under Article 226 of the Constitution of India. Writ Petition is rejected.

(C.V. BHADANG, J)

(A.S. OKA, J)