

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 3584 OF 2016

Sandeep Pandurang Patil

..Petitioner

Versus

The Commissioner, MMRDA and ors

..Respondents

Mr. D.S. Mhaispurkar i/by S. M. Mangaonkar, for the petitioner.

Mr. Kiran Bagalia for respondent Nos 1 & 2.

Mr. S.S. Shinde, for respondent No.3.

Mrs. M. P. Thakur, AGP for the Respondent State.

CORAM : RANJIT MORE &
DR. SHALINI PHANSALKAR JOSHI, JJ.

DATE : 31st MARCH, 2016.

P. C. :

1. Heard Mr. Mhaispurkar, learned counsel for the petitioner, Mr. Bagalia, for respondent Nos. 1 &2, and Mrs. Thakur, learned AGP for the State.

2. By this petition, the petitioner is seeking the following reliefs :-

(a) that this Hon'ble Court be pleased to issue appropriate writ, directions to the Respondent Nos 1 to 3 to take action according to law to remove the illegal and unauthorized construction being carried out by the Respondent Nos 6 & 7 on the property of the joint family of petitioner, being piece and parcel of the land bearing Survey No.121 Hissa No.4, of village Dawdi, Taluka: Kalyan, District: Thane.

(b)that this Hon'ble Court be pleased to issue appropriate writ, directions to the Respondent No.5 to give proper police protection for taking action against the said unauthorised construction as is initiated by the Respondent Nos 6 and 7 on the property of the joint family of petitioner, being piece and parcel of the land bearing survey No.121, Hissa NO.4 of village Dawdi, Tal. Kalyan, District: Thane.

2. Mr. Mhaispurkar, learned counsel appearing for the petitioner submits that unauthorized construction has been carried out by respondent Nos 6 & 7 on petitioner's land. He submits that the construction is without obtaining approval from respondent Nos 1 & 2. Shri. Shinde, learned counsel for respondent No.3 submits that there is dispute between petitioner and respondent Nos. 6 and 7 in respect of the land in question and Civil Suit is pending.

3. Be that as it may since the contention of the petitioner is that the said construction is without taking permission from the competent authority, we call upon respondent Nos 1 & 2 to ascertain whether respondent No.6 has taken permission for construction on the said land. Mr. Shinde, learned counsel for respondent No.3 having taken instructions from the Officer concerned makes a statement that already action is initiated against respondent Nos. 6 and 7 for unauthorized construction and accordingly notice is issued on 17th March, 2016 under Section 53 of the Maharashtra Regional and Town Planning Act. Statement is accepted.

4. In the above circumstances the grievance made by the petitioner does not survive. The petition, thus, no more survives. Petition is accordingly disposed of.

[DR. SHALINI PHANSALKAR JOSHI, J.]

[RANJIT MORE, J.]