

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE CIVIL JURISDICTION**

WRIT PETITION NO.3632 OF 2015

Dr. Anilkumar G. Yadav

....Petitioner.

Vs.

Vasai Virar Municipal Corporation & Ors.

....Respondents.

Mr. Anil D'Souza, Advocate for the Petitioner.

Mrs. Swati H. Sagvekar, Advocate for the Respondent No.1.

Mr. P.G.Sawant, AGP for the State.

Mr. Bhavesh Parmar, Advocate for R.No.5.

**CORAM : RANJIT MORE &
ANUJA PRABHUDESSAI, JJ.**

DATE : 25th AUGUST, 2016.

ORDER:-

Heard learned counsel appearing for the respective parties.

2 By this Petition, the Petitioner is seeking direction to the Respondent No.1 to remove the alleged unauthorised construction on the land in question carried out by the Respondent Nos.2 and 5.

3 During the pendency of the Writ Petition, the Respondent Nos.2 and 5 filed an application for regularisation of the alleged unauthorised construction but the said application was rejected by the Respondent No.1-Corporation. The Respondent Nos.2 and 5 challenged the said order of rejection by filing an appeal before the

Respondent No.4. The statement is made at bar that the said appeal is pending.

4 During the pendency of the Writ Petition, the Respondent No.5 has filed an undertaking that he will demolish the alleged unauthorised construction if the same is not regularised. Mr. Parmar the learned counsel for the Respondent No.5 also makes a statement that if the appeal of the Respondent Nos.2 and 5 is dismissed, he will remove the alleged unauthorised construction at the cost of his client. The statement is accepted.

5 In the above circumstances, we do not find any need to keep the petition pending. Same is dismissed. Suffice to direct the Appellate Authority to dispose of the Respondent Nos.2 and 5's appeal bearing no.V-176/16 as expeditiously as possible and in any case, within a period of six weeks from the date of receipt of the copy of this order.

Ordered accordingly.

6 The learned AGP shall communicate this order to the Appellate Authority.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)