

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5114 OF 2014

Orpe Dilip Dnyaneshwar	...Petitioner
vs.	
Pune Municipal Corporation and Others	...Respondents

Mr. Prabhanjan Gujar, for the Petitioner
Mr. R.M. Pethe, for Respondent No. 1.
Ms. M.P. Thakur, for the State.
Mr. V. Deore i/b. Mr. Mihir Raje, for Respondent Nos. 3 and 4.

CORAM : SHANTANU KEMKAR &
MAKARAND KARNIK, JJ.

DATE : JUNE 13, 2016

PC.:

Not on board. Upon mentioning taken on board.

1. Parties through their counsel.
2. The grievance of the Petitioner is that Respondent No. 3 has raised an unauthorized construction on the plot reserved for the public purpose by the Municipal Corporation and inspite of making repeated complaints to that effect, Respondent No. 1 is not taking any action for demolition of the structure raised on the said plot which is reserved for public purpose. He submits that the reason behind the same is that the husband of Respondent No. 3 i.e. Respondent No. 4 is a sitting Corporator of the Municipal Corporation.

3. The learned counsel appearing for Municipal Corporation submits that in regard to the alleged unauthorized construction though Respondent No. 1 has initiated action but vide injunction order (Exhibit '5') passed by the Civil Judge, Small Causes Court, Pune in Regular Suit No. 1495 of 2014 the Municipal Corporation has been restrained from removing the alleged unauthorized construction.

4. The learned counsel for Respondent Nos. 3 and 4 submits that the construction is not unauthorized and as the Civil suit at their instance is pending, the Municipal Corporation is not supposed to proceed for removal of the said structure.

5. Having considered the submissions raised by the learned counsel for the parties and having gone through the averments made in the Writ Petition, we are inclined to dispose of this Petition by directing the trial Court to decide the Civil suit pending before it as expeditiously as possible but not later than eight months from the date of receipt of the copy of this order.

6. The parties are directed to cooperate the trial Court for

disposal of the Civil suit within the time fixed by this Court.

7. All the contentions raised in this Petition are kept open.

8. Accordingly the Petition stands disposed of.

(M.S. KARNIK, J.)

(S.S. KEMKAR, J.)