

Urmila Ingale

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 5283 OF 2016

Juber Ahmed Abdul Mohid Shaikh .. Petitioner

Vs.

Bhiwandi Nizampur City Municipal
Corporation and others .. Respondents

Mr.Raju D.Suryawanshi, for the Petitioner.
Mr.N.R.Bubna, for Respondent No.1.

**CORAM : SHANTANU.S.KEMKAR &
M.S.KARNIK, JJ.
DATE : 06th JUNE, 2016**

P.C. :

. Heard the parties through their Counsel. The grievance of the petitioner is that inspite of the fact that respondents No. 2 and 3 have constructed unauthorised ground plus five storey building on land bearing survey No. 99, Plot No. 6 (Part), admeasuring 485 sq.meters, Nagaon Gunthas, Bhiwandi and inspite of the fact that it was proposed to be demolished on 09/04/2015, till date the

said unauthorised construction has not been demolished by respondent No.1. According to the petitioner, for bringing this inaction to the notice of respondent No.1, the petitioner had filed a complaint dated 19/03/2016 - annexure 'N' before the Commissioner of respondent No.1 – Municipal Corporation. But till date, no action has been taken on the same.

2. Learned Counsel appearing for respondent No.1 – Municipal Corporation submits that the petitioner's grievance will be examined and in case, it is found that respondents No. 2 and 3 have constructed the building unauthorisedly and if there is no other legal impediment, work of demolition will be carried out. The necessary steps to that effect will be carried out after giving due opportunity to the petitioner as also to respondents No.2 and 3. In view of the aforesaid, we are inclined to dispose of the Petition by directing respondent No.1 to examine petitioner's grievance and to take necessary

appropriate steps in accordance with law after giving opportunity of hearing to the petitioner and respondents No.2 and 3. Let this be done within a period of 2 months from the date of the receipt of copy of this order. Petition is disposed of accordingly.

(M.S.KARNIK, J.)

(SHANTANU.S.KEMKAR, J.)