

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.7033 OF 2016

Tulshiram Gharu Bhagat & Others. .. Petitioners
Vs
The State of Maharashtra and Others. .. Respondents

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Shri Rajaram V. Bansode for the Petitioners.
Mrs. M.P. Thakur, AGP for the Respondent No.1.
Ms. Shyamali Gadre along with Shri Abhijeet Deshmukh i/b Little & Co
for the Respondent No.2.
Shri M.S. Deshpande, Court Receiver, High Court, Bombay.
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CORAM : A.S. OKA & A.A. SAYED, JJ
DATED : 23RD JUNE 2016

P.C.

1. Not on board. Taken on board.
2. Heard learned counsel appearing for the Petitioners. The Petitioners are occupying the flats in a multi-storeyed building known as “Bhagat-G Apartment”. It consists of ground plus four floors. It is a RCC building illegally constructed on a public property. A notice of demolition was issued by the Maharashtra Industrial Development Corporation (MIDC) under Sub-section (1) of Section 53 of the Maharashtra Regional and Town Planning Act, 1966. The said notice was challenged by the Petitioner Nos.12 to 19 by filing a Writ Petition No.12195 of 2015. The said Writ Petition was dismissed by an order dated 10th December 2015. Only in view of the undertakings given by

the said Petitioners and the other Petitioners therein to vacate the premises in their respective possession and hand over possession thereof by 31st December 2015 that the demolition was postponed till 31st December 2015. The said order has attained finality. In fact, as per the consent given by the Petitioner Nos.12 to 19 that the Court Receiver was appointed who was ordered to take possession, if the Petitioners in the said Writ Petition fail to vacate the premises in their respective possession by 31st December 2015.

3. As far as the Petitioner Nos.1 to 11 are concerned, they have never challenged the notice of demolition issued by the MIDC. Admittedly, the building has been unauthorisedly constructed on the land owned by the MIDC. Only on the medical ground, one of the occupants of the said building has been protected by this Court for a very limited time for the reasons recorded by this Court.

4. There is no equity in favour of the Petitioners. The order of this Court rejecting the earlier Writ Petition passed by back on 10th December 2015 has attained finality. The Petitioner Nos.1 to 11 have never challenged the notice of demolition. Hence, there is no merit in the Petition. Hence, the Petition is rejected.