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IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 7755 OF 2016**

Himachal Pradesh Horticulture Produce
Marketing & Processing Corporation Limited ... Petitioner
Versus

The State of Maharashtra ... Respondents

Mr. A.M. Sarogi a/w Mr. Anand Mishra for the petitioner.

Ms. M.P. Thakur, AGP for respondent no. 1 State.

Mr. Kamlesh Ghumre a/w Supriya Ghadge a/w Bharat Dhande
(Ward Officer) Turbhe for respondent no. 2.

**CORAM : SHANTANU KEMKAR &
MAKARAND KARNIK, JJ.**

DATED : JULY 08, 2016.

P.C.

Parties through their counsel.

2. By this petition, petitioner is seeking a direction to the respondents not to take any action of demolition in respect of the petitioner's sheds more particularly described in Exhibit. "D" situated at MAFCO Market Yard, Plot No. 3/2, Sector 18, Turbhe (Vashi), Navi Mumbai 400 705 Navi Mumbai.

3. Learned Counsel appearing for respondent no.2 on instructions has stated that the petition is wholly misconceived as no action as yet has been taken by the respondent no.2 against the petitioner and under the garb of filing this petition, the petitioner is seeking a protective order in anticipation. In the

circumstances, he submits that the petition is not maintainable.

4. On the other hand, learned counsel appearing for the petitioner has pointed out that in the entire vicinity, there is demolition drive in progress and as such the petitioner is having a reasonable apprehension that there is possibility of demolition of his structure also, though the same is not illegal or unauthorized structure. It is also the case of the petitioner that till date no notice of demolition of the proposed demolition has been issued by the respondent no. 2.

5. In view of the aforesaid learned counsel for respondent no. 2 submits that in case it is found that the petitioner's structure is unauthorized or illegal, appropriate action shall be taken against the petitioner in accordance with law and notice to that effect will be first issued to the petitioner.

6. In view of the stand being taken by respondent no. 2, we are inclined to dispose of this petition by observing that in case respondent no. 2 are willing to take any action against the petitioner's structure, as it exists today, the same shall be taken by observing due process of law. Writ Petition is accordingly disposed of.

(MAKARAND KARNIK, J.) (SHANTANU KEMKAR, J.)