

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 11445 OF 2016

Kaleem S. Siddiqui and Others.

..Petitioners.

Versus

Bhiwandi Nizampur City Municipal
Corporation & Others.

..Respondents.

Mr. A. G. Damle, Senior Advocate with Mr. A. P. Mhatre for the
Petitioner.

Mr. N. R. Bubna for the Respondent – Corporation.

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

Coram : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI, JJ.

Date : **October 4, 2016.**

P. C. :

1. Heard. Petition is filed seeking direction to the Respondent-Corporation restraining them from demolishing the structures in possession of the Petitioners situated in House No.402, Islampura, Paanch Peer, Bhiwandi. The said building is constructed in defiance of the order of this Court passed on 28th September 2015 in Writ Petition No. 11953 of 2013. Evidently, there is no permission from the Competent Authority to construct the same.

2. By the order dated 23rd July 2014 passed in the said writ petition, this Court has restrained the developer / owner from creating third party interest.

3. In the order dated 28th September 2015 this Court observed that the developer – owner has created third party interest in defiance of the order dated 23rd July 2014.

4. Be that as it may, the portion of the said house is already demolished and further demolition work is in progress under the police protection. The Petitioners are, therefore, not entitled to any relief. The petition is devoid of any merit and the same is, therefore, dismissed.

[SMT. ANUJA PRABHUDESSAI, J.]

[RANJIT MORE, J.]