

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 12487 OF 2016**

Shri Milind Vilas BhoirPetitioner
versus
Navi Mumbai Municipal Corporation and anr. ...Respondents

Mr. Prasad Sudhir Dani, senior counsel along with Mr. A. B. Kadam,
advocate for the petitioner.
Mr. S. V. Marne, advocate for respondent No.1.
Mrs. M. P. Thakur, AGP for the State.

**CORAM : RANJIT MORE &
ANUJA PRABHUDESSAI, JJ.**

DATE : 27th OCTOBER, 2016.

P. C. :

Heard Mr. Dani, learned senior counsel for the petitioner and
Mr. Marne, learned advocate for the Corporation.

2. By this petition under Article 226 of the Constitution of India, the petitioner is challenging the notice under Section 53(1) of the Maharashtra Regional and Town Planning Act, 1966. The said notice is issued on 4th October, 2016. Mr. Dani, however, submitted that the same is received by the petitioner on 21st October, 2016. By the said notice, the petitioner is informed that the subject structure mentioned in the notice is illegal and unauthorized and, therefore, he is directed to remove the same within a period of 32 days from the date of receipt of the notice and if the petitioner does not comply with the requisition mentioned therein, the Corporation will remove the same at the cost of

the petitioner. The petitioner is also informed that he is liable for prosecution under Sections 52 and 53 of the Maharashtra Regional and Town Planning Act, 1966. The said notice also makes a reference that the petitioner is at liberty to submit the documents in respect of the said construction to the Deputy Commissioner (Encroachment) Navi Mumbai Municipal Corporation.

3. Mr. Dani, learned senior counsel submits that without giving an opportunity to the petitioner, the respondent – Corporation under the impugned order sought to demolish the subjection construction. Mr. Marne, learned counsel for the Corporation, however, submits that as stated in the notice, the petitioner has been given 32 days time from the date of receipt of the notice to produce the relevant documents in respect of the alleged unauthorized structure and the Corporation will consider those documents and, after satisfaction, an appropriate action will be taken in the matter. The statement is accepted.

4. In view of the above and especially the statement of Mr. Marne, learned counsel for the Corporation, the grievance of the petitioner no more survives. The petition is, accordingly, dismissed.

(ANUJA PRABHUDESSAI, J.)

[RANJIT MORE, J.]