

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.2126 OF 2015

Ratan Shantaram Mhatre	Petitioner
versus	
The Commissioner, Kalyan Dombivli Municipal Corporation, Kalyan and ors.	...Respondents

Mr. D. S. Mhaispurkar, advocate for the petitioner.
Mr. S. D. Shinde, advocate for respondent Nos. 1 and 2.
Mrs. R. A. Salunkhe, AGP for the State.

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

DATE : 3rd OCTOBER, 2016.

P. C. :

By this petition under Article 226 of the Constitution of India, the petitioner has sought direction to respondent Nos. 1 and 2 to demolish the illegal construction carried by respondent No.3 as per the order dated 1st July, 2014. The said order is annexed at page 12 of the petition. By the said order, respondent No.3 was called upon to remove the illegal construction on the 1st floor, failing which, he was informed that the said construction would be demolished at his cost.

2. Mr. Shinde, learned counsel for the Corporation, has placed on record the communication dated 29th September, 2016 of Shri

Ganesh Borade, Ward Area Officer, "H" Ward, Kalyan Dombivali Mahanagarपालिका, addressed to him. The communication shows that the unauthorized construction carried by respondent No.3 on the 1st floor is demolished on 27th September, 2016. A copy of the panchnama to that effect is annexed to the said communication.

3. In the above circumstances, the grievance of the petition no more survives. The petition, accordingly, stands disposed of.

4. Mr. Mhaispurkar, learned counsel for the petitioner, at this stage, contends that respondent No.3 has carried construction on the petitioner's premises. In short, he has disputed the title of respondent No.3. If that be so, he is at liberty to approach the Civil Court.

(ANUJA PRABHUDESSAI, J.)

[RANJIT MORE, J.]