

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 503 OF 2015

Mathurabai R. Bhandari and Another. ..Petitioners.

Versus

Mira bhayandar Municipal Corporation
and Another. ..Respondents.

Mr. P. M. Havnur for the Petitioner.
Mr. M. S. Lagu for Respondent No. 1.

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

Date : **October 7, 2016.**

P. C. :

1. Heard Mr. Havnur, learned Counsel appearing for the Petitioner and Mr. Lagu, the learned Counsel appearing for Respondent No. 1. None present for Respondent No. 2.

2. The Petitioner has claimed following reliefs :

“29. The Petitioners, therefore, pray :

- a] this Hon'ble Court be pleased to issue Rule and records/ documents be called for from Respondent No.1 with respect to construction activities on the petition property and upon perusal of the same, this Hon'ble Court be pleased to hold that Respondent No. 2 is carry out illegal and unauthorised construction over the petition property [viz. Survey No.225, Hissa No.1/A admeasuring 11950 sq.mtrs situated at Ghodbunder, tal & Dist. Thane] in deviation of the plans sanctioned under the Maharashtra Regional and Town Planning Act;
- b] That this Hon'ble Court be pleased to issue writ of mandamus, writ of certiorari or any other appropriate writ, calling upon Respondent No. 1 to demolish the illegal and unauthorised construction being carried out

by Respondent No. 2 on the petition property [viz. Survey No.225, Hissa No.1/A admeasuring 11950 sq.mtrs situated at Ghodbunder, tal & Dist. Thane] in absence of valid permission of N.A. From the competent authority and in deviation of the provisions of the Maharashtra Regional and Town Planning Act.”

3. During the pendency of writ petition, stop work notice was issued by the Respondent-Corporation and Respondent No.2 challenged the same by filing a writ petition in this Court, being Writ Petition No.2313 of 2016. In the said writ petition, present Petitioners had filed civil application [being C.A.No.876 of 2016] for intervention and the same was allowed. The said writ petition was disposed of by the order dated 31st March 2016 after hearing Respondent No. 2, Respondent No. 1 as well as the Petitioner herein, who were intervenors. By the said order, the Municipal Commissioner of Respondent-Corporation was directed to hear the Petitioner herein [who were intervenors] while deciding 2nd respondent's representation dated 10th February 2016. Mr. Lagu and Mr. Havnur, the learned Counsel appearing for the respective parties submit that the said representation is not yet decided by the Commissioner.

4. Since by the order dated 31st March 2016, the Commissioner is directed to hear the Petitioner while deciding representation filed by Respondent No. 2, the Petitioner herein can raise all the contentions and grievances raised in the instant petition,

before the Commissioner on the on going hearing. The Commissioner shall decide representation of Respondent No.2, dated 10th February 2016, as expeditiously as possible and at any rate within the period of four weeks from the date of receipt of a copy of this order.

5. With the aforesaid directions, writ petition is disposed of.

[SMT. ANUJA PRABHUDESSAI, J.]

[RANJIT MORE, J.]