

Urmila Ingale

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION (L) NO. 866 OF 2016

Mr.Ali Akbar Yusuf Khokhawala and anr. .. Petitioners

Vs.

The State of Maharashtra and ors. .. Respondents

Mr.S.S.Kanetkar, for the Petitioners.

Ms.Madhulata Kajale, AGP for Respondent No.1 -State.

Ms.Geeta Joglekar, for Respondents No. 2 & 3- BMC.

**CORAM : SHANTANU.S.KEMKAR &
M.S.KARNIK, JJ.
DATE : 06th JUNE, 2016**

P.C. :

. Heard the parties through their Counsel. The grievance of the petitioners is that there is unauthorised construction on place of 'Punjab Saw Mill', plot No. 7, Hirabai Compound, Ghodapdeo Cross Road No.1, Mumbai 400010. According to the petitioners in regard to the removal of the said unauthorised construction/structure,

the petitioners made several grievances before the Competent Authority of respondent No.2, but till date, no action has been taken on their complaints. Today, when the matter came up for hearing, it is submitted by the learned Counsel for the petitioners that this Petition may be disposed of by directing the Assistant Municipal Commissioner, 'E' Ward, Municipal Office, Byculla, Mumbai to consider and take appropriate decision in regard to the petitioner's complaint dated 01/03/2016 - annexure 'G'.

2. Having regard to the aforesaid limited question, without commenting upon the merits of the matter and the contention of the petitioners that the said structure is unauthorised, we are disposing of this Petition by directing the Competent Authority/Assistant Municipal Commissioner of Municipal Corporation of Greater Mumbai to consider and take appropriate decision in regard to the petitioner's complaint - annexure 'G' and in case, it is found that structure is unauthorised, appropriate action be taken in

that regard after giving due opportunity to all concerned.
Let the entire exercise be completed within a period of 3 months from the date of the receipt of the copy of the order. Needless to mention that we have not commented on the merits of the Petition.

(M.S.KARNIK, J.)

(SHANTANU.S.KEMKAR, J.)