

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 2508 OF 2014**

Smt. Bharti W/o. Markandey Reddy
versus
The State of Maharashtra and anr.

....Petitioner
...Respondents

Mr. Sushil Upadhyay i/b. Mr. Ashok M. Saraogi, advocate for the petitioner.
Mr. U. S. Upadhyay, AGP for the State.
Mr. H. C. Pimple, advocate for the MCGM.

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

DATE : 26th JULY, 2016.

P. C. :

Heard learned counsel for the petitioner and MCGM.

2. By this petition, the petitioner is challenging the notice under Section 55(1) of the Maharashtra Regional and Town Planning Act, 1966. One Mr. Manoj Amrut Kedare, Assistant Engineer (B and F) M/West Ward has filed an affidavit dated 28th June, 2015. The affidavit discloses that the offending notice structure was already demolished by the respondents earlier on 8th April, 2015 and, despite this, the petitioner reconstructed the structure and, thereafter, the same was again demolished on 8th May, 2015. The respondent-MCGM has also annexed a copy of demolition report as well as the photographs to the said affidavit.

3. Be that as it may, the petitioner could not produce any document to show that the offending structure is built with prior permission of the MCGM or the same is constructed prior to datum line of 1st April, 1962. The petition is devoid of any merit and the same is, accordingly, dismissed.

4. In view of dismissal of the petition, notice of motion No.472 of 2015 will not survive for consideration and the same stands dismissed.

(ANUJA PRABHUDESSAI, J.)

[RANJIT MORE, J.]