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IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION  
WRIT PETITION NO.541 OF 2015

Vivek Madanlal Jain & Ors. ...Petitioners  
vs.  
The Municipal Corporation of  
Greater Mumbai & Ors. ...Respondents

Mr.Suresh Dubey for the Petitioners  
Ms Shobha Ajitkumar for the respondent Nos.1 to 3  
Mr.Amit Shastri, AGP for respondent No.4

CORAM : A.S.OKA, &  
C.V.BHADANG, JJ.  
DATE : JANUARY 11, 2016

P.C.:

1 Heard the learned counsel for the petitioners and the learned counsel for the respondent Nos.1 to 3. We cannot accept the submission of the petitioners that only because an Appeal under section 47 of the Maharashtra Regional and Town Planning Act,1966 preferred by the petitioners for challenging the order rejecting the application for regularization is pending, the action of demolition cannot be taken.

2 By the impugned communication dated 31<sup>st</sup> May 2014, the Assistant Engineer (Building Proposals) City has informed the Designated Officer of the concerned Ward to take action of demolition.

3 If according to the case of the petitioners if

there is any prohibitory order passed by the Court of Competent Jurisdiction, or the Appellate Authority restraining the respondent Nos.1 to 3 from demolishing of the structure in question, the petitioners can always produce the said order before the respondent Nos.1 to 3 and in particular before the Designated Officer of the concerned Ward. If any interim order is operative, the concerned Officer is bound to take the note of the same.

4 Subject to what is observed above, writ petition is disposed of.

(C.V.BHADANG,J.)

(A.S.OKA,J.)