

Urmila Ingale

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 290 OF 2016

Mr.Hasmukh N. Malkan .. Petitioner
Vs.
The State of Maharashtra and ors. .. Respondents

Mr.Sunil Patel i/b M/s. Sunil & Co., for the Petitioner.
Ms.Sukanta Karmakar, AGP for Respondent No.1 – State.
Ms.Vandana Mahadik, for BMC.

**CORAM : NARESH H. PATIL AND
M.S.KARNIK, JJ.**

23rd NOVEMBER, 2016

P.C. :

. The petitioner had approached this Court by filing
Writ Petition No. 2350 of 2006. On 24/04/2007, the Division
Bench of this Court passed the following order.

“Learned Counsel for respondent Corporation submits that the major portion of the unauthorized construction has already been demolished. Some part which remains, appropriate action will be taken in accordance with law within four weeks from today. In view of this statement made on behalf of Corporation, Counsel for petitioner does not press this petition. Petition is accordingly disposed of.”

2. The petitioner's grievance is against the

reconstruction made on the encroached portion on the premises in question. The petitioner has been making correspondence with the Corporation, but the Corporation has failed to take appropriate steps.

3. We have perused the record and order passed by the Division Bench of this Court. In view of the facts of the case, the petitioner may resort to appropriate alternate remedy before the forum which would look into the question of facts. All issues on merits are kept open.

4. Writ Petition is disposed of.

(M.S.KARNIK, J.)

(NARESH H. PATIL, J.)