

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 4064 OF 2016

FAREDDAN @ BABA FARZAN ARDESHIR DORDI
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHERS

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Advocate for Petitioner : Shri Bharuka D.S. and Shri V.M.Jadhav.
AGP for Respondents/ State : Shri D.R.Kale.
Advocate for Respondent 2 : Shri J.R.Shah.

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**CORAM: S.C. DHARMADHIKARI
AND
MANGESH S. PATIL, JJ.**

DATE :- 27th June, 2017

PC.:

1 On 05.09.2015 and even prior thereto, the Petitioner addressed a detailed representation bringing to the Municipal Corporation's notice that one Mariyam Begum Abdul Jalil Khan has encroached upon the plot of land designated and reserved as Garden (Sheet-22 City Survey No.6671). She has constructed the structure which is House No.1-24-53/P. This structure/ building has been constructed/ erected without obtaining any permission from the Planning Authority and in terms of Section 44 of the Maharashtra Regional and Town Planning Act, 1966. The Municipal Corporation accepts this position and on 03.07.2012 issues the notice to Mariyam to show cause as to why the structure should not be demolished. Promptly, Mariyam approaches the

Civil Court and to her misfortune, the Civil Court rejects the application for temporary injunction as back as on 03.10.2012. Yet, from 05.10.2012 the Petitioner is pursuing the complaint. He also brought to the notice of the Municipal Corporation that the civil suit is now dismissed on 19.09.2014. Thus, there is no impediment, obstruction or obstacle in the way of the Municipal Corporation to proceed to take action in accordance with law. The Municipal Corporation still feels helpless for it has not responded to these representations. It is bold enough not to respond to the notice of this Court.

2 We do not tolerate such state of affairs and by keeping such petitions pending we are only assisting those wrong doers whose acts are brought to the notice of the Municipal Corporation by the parties like the Petitioner. Therefore, without proceeding further and going into merits of the claim, we direct the Municipal Corporation to take necessary steps in accordance with law as expeditiously as possible and within a period of TWO MONTHS from the date of receipt of a copy of this order. No indulgence shall be shown by extension of time to the wrong doers and equally, rains and rainy season should not be placed before us as a reason for not to perform acts envisaged by law.

3 The Writ Petition is disposed of by these directions.