

Shri Vinayak S. Nikam } **Petitioner**

Commissioner,
Municipal Corporation of City of }
Vasai Virar and Others } Respondents

Ms. Swati Sagrekar for respondent Nos. 1 to 3-Corporation.

DATE :- JUNE 16, 2017

1. The petitioner approaches this court by contending that there is an unauthorised construction of a temple on Survey No. 13 at Sainagar area of Navghar, Vasai, which was reserved as a playground for the children. Apparently a suit is also pending in Vasai District Court, wherein, an order of injunction was passed not to proceed with the demolition. There was some restriction for the Corporation to take action since the area was appearing within the jurisdiction of CIDCO at the time of filing the suit. Since now a notification is issued demarcating the jurisdiction of

the Corporation and the CIDCO and since the area in question falls within the jurisdiction of the Corporation, the learned counsel appearing for Vasai Municipal Corporation submits that they would be moving an application before the civil court for vacating the injunction order and thereafter, they will take suitable course of action. In that view of the matter, we find nothing else to proceed with the matter since the relief sought in the petition is against the respondent authorities to take suitable action for stopping the illegal construction.

2. With these observations, the PIL is disposed of by directing the respondent corporation to file application for vacating the injunction granted by the civil court within four weeks from today and the said application shall be decided purely on merits of the case.

(N. M. JAMDAR, J.)

(CHIEF JUSTICE)