

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.10066 OF 2015
WITH
CIVIL APPLICATION NO.931 OF 2015

Mohd. Shamim Mohd. Yunus Khan .. Petitioner
Versus
Thane Municipal Corporation & Ors. .. Respondents

Mr. Ankur Pahade i/b. Jay & Co. for petitioner
Mr. Shekhar Jagtap i/b. J. Shekhar & Co. for respondent No.1
Mr. K.S.Deval i/b. Jayesh M. Joshi for respondent No.4
Mr. V.N.Sagare, AGP for respondent No.5

CORAM : B.R.GAVAI &
M.S.KARNIK, JJ.

DATE : 11th August 2017.

P.C.

1] The petitioner has filed this petition praying for demolition of alleged illegal construction carried out by the respondent No.4.

2] It is the contention of the petitioner that the respondent No.4 has carried out the construction beyond the sanctioned plans.

3] A perusal of the reply filed by respondent No.2 in Civil Application No.931 of 2016 would reveal that respondent No.4 has

placed on record the sanctioned development permission on 29th April 2016. The said permission would depict that the construction from ground to seventh floor has been duly sanctioned by the Corporation.

4] Mr. Deval, learned Counsel for respondent No.4 makes a categorical statement that the said respondent is not carrying out any construction above the seventh floor as of now.

5] We, therefore, take the statement made by Mr. Deval on instructions of respondent No.4, on record and direct that no construction beyond seventh floor be carried out by respondent No.4 until further sanction is received in that regard.

6] Needless to state that this order would not come in the way of Corporation in proceeding further under the provisions of law for demolition of construction, if it is found that the construction or any portion thereof, as made by the respondent No.4 is not authorised or sanctioned under the plans.

7] Petition disposed of accordingly.

(M.S.KARNIK, J)

(B.R.GAVAI, J.)

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1] In view of the disposal of writ petition, this civil application does not survive and the same is disposed of accordingly.

(M.S.KARNIK, J)

(B.R.GAVAI, J)