

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

PUBLIC INTEREST LITIGATION NO. 109 OF 2016

Dhananjay Vithal Gawade	.. Petitioner
V/s	
Vasai Virar City Municipal Corporation & Ors.	.. Respondents

Mr. Anil D'Souza for the petitioner.
Mrs. M.P. Thakur, AGP for the State.
Ms. Swati Sagvekar for respondent nos.2 and 3.

**CORAM: DR. MANJULA CHELLUR, CJ. &
M.S. SONAK, J.**

DATE : 3rd NOVEMBER 2017

P.C.:

The petitioner, in the present case, complains illegal constructions undertaken by certain parties in properties bearing Survey No.156 Hissa Nos.2/1 and 2/2, Survey No.157 Hissa No.11 and Survey No.359 Hissa No.2 of Village Virar, Taluka Vasai, District Palghar. The complaint is that several multi-storied constructions have been put up on these properties without due compliance with the procedure prescribed under the law. His further complaint is that Vasai-Virar Municipal Council, which is the Authority concerned, is not initiating any action against such illegal constructions.

2. The Assistant Municipal Commissioner of the Corporation has filed an affidavit pointing out the action already initiated by the Corporation in the matter. In the affidavit, it is stated that necessary notices were issued with regard to such illegal constructions. However, certain flat purchasers have instituted proceedings before the Civil Court. The proceedings were contested by the Corporation and the Civil Court has declined the interim reliefs. As against such orders, the flat purchasers have instituted appeals before the District Court in which there are exparte orders restraining the Corporation from taking further action. In the affidavit, the Assistant Municipal Commissioner of the Corporation has stated that the Corporation is contesting all these matters and shall strive to secure the vacation of the said orders.

3. In a matter of this nature, once we are satisfied that the statutory Authorities are alive to the problem and are taking steps, it is not necessary for us to keep the matter pending or to make any further directions. On the basis of the affidavit on behalf of the Corporation, we are satisfied that the Corporation is taking action and pursuing the same.

4. If the petitioner has any grievance with regard to Court proceedings, nothing prevents him from applying to the Court, inter alia, seeking expeditious disposal of the proceedings. We are also sure that looking to the matter, the Courts concerned will also decide

the matter expeditiously, no doubt in accordance with law and after giving a fair opportunity to all the parties before them. However, there is no necessity to continue with the present petition. Accordingly this PIL is disposed of. There shall be no order as to costs.

(M.S. SONAK, J.)

CHIEF JUSTICE