

Sharayu.

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 5606 OF 2015

Shri. Ratnakar Sadu Madvi **...Petitioner**

Versus

The State of Maharashtra & Ors. **...Respondents**

Mr. Rahul D. Motkari, for the Petitioner.

Ms. Nisha Mehra, AGP, for Respondent No. 1.

Mr. Pankaj Das, for Respondent Nos. 2 & 4

Mr. S.V. Marne, for the Respondent Nos. 3 & 5.

Mr. Anish Khandekar, for Respondent No. 6.

**CORAM : SMT. VASANTI A NAIK AND
RIYAZ I. CHAGLA, JJ.**

DATE : 31 October 2017

ORDER :

By this writ petition, the petitioner seeks a direction against the Corporation, specially the Respondent Nos. 4 and 5, to demolish the structure constructed by the respondent No. 6 on the public road, thereby causing obstruction to the petitioner and the nearby residents.

The learned counsel for the Corporation

states by referring to the additional affidavit in reply tendered in the Court today that the structure constructed by the respondent No. 6 was demolished to a considerable extent on 21st June 2017 and almost 80 percent of the structure erected by the respondent is demolished. It is stated that the demolition of the remaining structure was not possible, as it could have caused damage to some part of the adjoining structure owned by Shri. Ajit Madhavi. It is stated that the structure erected by the respondent No. 6 is substantially demolished. It is stated that the respondent No. 6 may be directed to remove the remaining structure safely.

In our view, it would be the duty of the corporation to demolish the unauthorised structures and since the respondent No. 6 is at fault in constructing the illegal building/structure, the writ petition is disposed of with a direction against the Corporation and the respondent No. 6 to take immediate steps to demolish the remaining structure in such a way that it would not cause any danger or damage to the nearby structures. The remaining structure should be removed by the Corporation and the respondent No. 6 within four weeks.

Order accordingly. No costs.

[RIYAZ I. CHAGLA J.]

[SMT. VASANTI A NAIK, J.]