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IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
WRIT PETITION NO.6202 OF 2017

Manohar Gangaram Chapke ...Petitioner  
vs.  
The State of Maharashtra & Ors. ...Respondents

ALONG WITH  
WRIT PETITION NO.6203 OF 2017,

Smt.Suparna B. Bhoir ...Petitioner  
vs.  
The State of Maharashtra & Ors. ...Respondents

ALONG WITH  
WRIT PETITION NO.6204 OF 2017,

Smt.Manda Bhaskar Kale ...Petitioner  
vs.  
The State of Maharashtra & Ors. ...Respondents

ALONG WITH  
WRIT PETITION NO.6205 OF 2017,

Smt.Valkubai Babu Bhoir ...Petitioner  
vs.  
The State of Maharashtra & Ors. ...Respondents

ALONG WITH  
WRIT PETITION NO.6206 OF 2017.

Kiran Manohar Chapke ...Petitioner  
vs.  
The State of Maharashtra & Ors. ...Respondents

Mr.Rompal Kohli i/b C.K.Legal for the Petitioner in  
all petitions  
Mr.Manish Pabale, AGP for the respondent No.1  
Mr.Nikhil Chavan for the respondent Nos.2 to 4.

CORAM : A.S.OKA, &  
SMT.VIBHA KANKANWADI,JJ.  
DATE : JUNE 21, 2017

P.C.:

1 The prayers in these petitions are similar. The prayers are for challenging notices issued by the Ulhasnagar Municipal Corporation calling upon the petitioners in these petitions to remove stalls which are unauthorisedly constructed.

2 The papers of these petitions were produced before this Court on 9th June 2017 when following order was passed :

"2 Learned counsel appearing for Petitioners on instruction states that petitioners propose to apply for regularization of the structures which are the subject matter of this petition and they will file appropriate undertakings in that behalf.

3 Place the petition "High upon Board" on 14<sup>th</sup> June 2017. Till next date, status quo as of today shall be maintained both by the Petitioners and by the Corporation in respect of subject structures."

3 Today, a reply is filed by Shri Manish Jagannath Hiware, Assistant Commissioner of Ulhasnagar Municipal Corporation, Ulhasnagar. It is disclosed in the reply that the structures of the petitioners were demolished on 8th June 2017. Copies of the Panchanama and the photographs have

been annexed to the petitions. It is pointed out that on 12th June 2017, a Panchanama was drawn when it was revealed that the structures were re-erected by the petitioners.

4 Today, the learned counsel for the petitioners states that it is true that demolition was carried by the Municipal Corporation on 8th June 2017. He accepted that the temporary structures were erected by the petitioners after demolition. He states that these facts were not disclosed to him by the petitioners. Thus, the petitioners have suppressed the material facts on 9th June 2017 when the petitions were argued before this Court. It was the duty of the petitioners to disclose the fact that the structures subject matter of this petition were demolished. However, the said material facts were suppressed. The undertakings filed by the petitioners today also proceed on the footing that the structures of the petitioners were not demolished and the same are in existence.

5 The petitioners have invoked jurisdiction of this Court under Article 226 of the Constitution of India which is a discretionary and equitable jurisdiction. Considering the fact that the petitioners have suppressed the material facts, we decline to entertain these petitions.

6 At this stage, the learned counsel for the petitioners submits that the action of demolition is illegal. We make it clear that action of demolition

is not subject matter of challenge in these petitions.

7 The writ petitions are accordingly dismissed.

(VIBHA KANKANWADI, J.)

(A.S.OKA, J.)