

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

PUBLIC INTEREST LITIGATION NO. 70 OF 2016

Mr.Hardas Hazarimal Tharwani.	...	Petitioner.
V/s.		
Ulhasnagar Municipal Corporation		
and others.	...	Respondents.

J.C.Chandnani for the petitioner.
Vijay Patil for respondent No.1.

**CORAM : DR.MANJULA CHELLUR, C.J.
AND G.S.KULKARNI, J.**

DATE : 20th January 2017.

PC. :

The petitioner before us is espousing the cause of general public contending that the respondent- Corporation has approved and sanctioned the building plan totally ignoring that the building proposed is to be constructed violating CRZ regulations. Therefore, he has sought the following reliefs:

“a) That this Honourable Court be pleased to issue a writ of certiorari or appropriate writ calling for the records and proceedings in respect of the plans for land bearing Survey No.169-A/2, A69-A/3/1, 169-A/3/3,

Ulhasnagar 421 003 area admeasuring 19997.75 sq.mt. Sanctioned by the respondent Corporation in favour of respondent No.6 herein and after examining the legality, propriety and validity thereof, be pleased to quash and set aside the same;

- b) Pending the hearing and final disposal of the present writ petition this Honourable Court be pleased to stay all further steps in pursuance of the impugned plans for the land bearing Survey No.169/-A/2, A69-A/3/1, 169-A/3/3, Ulhasnagar 421 003 area admeasuring 19997.75 sq.mt. Sanctioned by the respondent Corporation in favour of respondent No.6 herein being Ex.C colly hereto;
- c) Pending the hearing and final disposal of the present writ petition, this Honourable Court be pleased to forthwith stop and stay the construction going on the land bearing Survey No.169-A/2, A69-A/3/1, 169-A/3/3, Ulhasnagar 421 003 in respect of area admeasuring 19997.75 sq.mt, in pursuance of impugned illegal plans at Exhibit C Collectively;
- d) Ad-interim reliefs in terms of prayer (b) and (c) above;"

2. Learned counsel for the petitioner submits that during the pendency of the petition, the respondent- Corporation seems to have initiated action against the violators and also initiated inquiry

into the matter how such plan could have been sanctioned. In that view of the matter, since the very relief sought in the petition was against illegal sanction of the plan and the respondent authorities have already initiated inquiry, we need not keep the matter pending.

3. Accordingly, with a direction to the respondent-Corporation to take the inquiry to its logical end as expeditiously as possible, strictly adhering to the procedure contemplated, we dispose of this petition.

(G.S.KULKARNI, J.)

CHIEF JUSTICE