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

WRIT PETITION NO. 7702 OF 2011

Madhukar K. Dusane .. Petitioner
Vs.
The Commissioner,
Thane Municipal Corporation & Ors. .. Respondents

None for the Petitioner.
Mr. Mandar V. Limaye for Respondent No.1.
Mr. K. K. Malpathak for Respondent Nos.2 to 6.

CORAM : SMT. VASANTI. A. NAIK AND
MR. RIYAZ I. CHAGLA, JJ.
DATE : 27th NOVEMBER, 2017.

P. C. :

By this writ petition, the petitioner seeks a direction against the Thane Municipal Corporation to remove the illegal and unauthorized wall constructed by respondent No.2 in connivance with the respondent Nos.3 to 5.

It is stated on behalf of the corporation by referring to the affidavit-in-reply filed on behalf of corporation that a notice was issued to the respondent Nos.3 to 5 in respect of the alleged illegal construction but the respondent Nos.3 to 5 have denied that they have made the same. It is stated that in the meanwhile an application is received by the respondent-corporation for regularization of the compound wall and till the same is decided, no action for demolition of the compound wall could be undertaken.

From the statement made by the learned counsel for the respondent-corporation, it appears that the prayer made by the petitioner in the instant petition cannot be granted. The respondent Nos.3 to 5 have denied that they have constructed the compound wall. So also, when a

proposal for regularization of the compound wall is pending, a direction cannot be issued against the corporation to demolish the compound wall till the application for regularization of the same, is decided.

In the circumstances of the case, the relief sought by the petitioner cannot be granted at this stage. Hence, we dismiss the writ petition with no order as to costs.

[RIYAZ I. CHAGLA, J.]

[SMT. VASANTI A. NAIK J.]