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

WRIT PETITION NO. 13661 OF 2016

Shahnawaz Ahmad Mohd. Saeed Ansari ...Petitioner

Vs.

Bhiwandi Nizampura City Municipal Corporation & Anr. ...Respondents

Mr. Ansari Riyaz Ahmad Mohd., Raza Advocate for the Petitioner

Mr. N.R. Bubna, Advocate for Respondent Nos. 1 & 2

**CORAM : NARESH H. PATIL &
M.S. KARNIK, JJ.
DATED : 13TH FEBRUARY, 2017**

P.C. :

The Petitioner seeks direction to demolish subject structure regarding which notices were issued by the Corporation addressed to Shri. Ram Chandra Trihone and Mr. Arif Abdul Latif Ansari (Developers).

2. The Petitioner submits that being a domicile in State of Maharashtra and resident of Bhiwandi – Nizampura City Municipal Corporation area he has approached this Court for following prayers:

(a) this Hon'ble Court be pleased to issue writ of mandamus, or a writ, order or direction in the like nature or any other appropriate writ, order or direction, thereby directing the Respondent No.1 to take action against the Respondent Nos. 3, 4 and 5 pursuant to the notice dated 07/09/2013 and order passed by the Respondent No.3 09/11/2015 against the illegal and unauthorised building as well as u/sec. 52 to 55 of Maharashtra Regional Town Planning Act, 1966 also u/sec. 260(1) & (2) of the Maharashtra Municipal Corporation Act, 1949 (Title substituted for the Bombay Municipal Corporation Act, 1949 regarding unauthorised and illegal construction work.

(b) pending hearing and final disposal of this petition, this Hon'ble Court, be pleased to direct the Respondent No.1 to take action against the illegal structure and pursuant to the notice on dated: 07/09/2013 and order issued by the Respondent No.3 on dated: 09/11/2015 regarding illegal and unauthorised construction work.

(c) ad-interim relief in terms of prayer clause (b) above kindly be granted.

(d) any other suitable relief to which may be granted in favour of the Petitioner.

3. In the facts of the case we observe that the Petitioner is entitled to file comprehensive representation / application to the Commissioner of Bhiwandi Nizampura City Municipal Corporation in respect of the subject matter of this Petition.

4. The parties who are likely to be effected are not made parties to the Petition .

5. In case the Petitioner submit such representation the Commissioner of Respondent Corporation would look into the matter and dispose of said representation in accordance with law.

6. With the above observations we dispose of this Petition without expressing any opinion on the merits or claim of the Petitioner. The Petition is disposed of.

(M.S. KARNIK, J.)

(NARESH H. PATIL, J.)