

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.10276 OF 2014

Prabhakar Chandar Mehere. .. Petitioner
Vs
CIDCO and Others. .. Respondents

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Ms. Anusha Amin i/b Shri Sandesh D. Patil for the Petitioner.
Shri B.B. Sharma for the Respondent No.1.
Shri Aniruddha A. Garde for the Respondent Nos.2 and 3.
Shri Manish M. Pabale, AGP for the Respondent No.5.
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CORAM : A.S. OKA &
SMT. VIBHA KANKANWADI, JJ

DATED : 31ST JULY 2017

PC.

1. Learned counsel appearing for the Navi Mumbai Municipal Corporation has tendered on record the affidavit of Shri Ambarish R. Patnigere, the Deputy Municipal Commissioner (Encroachment) of Navi Mumbai Municipal Corporation. A report submitted by the Junior Engineer after site inspection is annexed to the said affidavit which shows that RCC construction of a building consisting of ground plus four floors has been illegally made without obtaining permission and the same has been occupied. To the said affidavit, a notice dated 28th July 2017 served by the Municipal Corporation under Sub-section (1) of Section 53 of the Maharashtra Regional and Town Planning Act, 1966

has been annexed. In the affidavit, it is stated that the unauthorized construction will be demolished by following due process of law. We accept the said statement as the undertaking of the Navi Mumbai Municipal Corporation.

2. Considering the prayers made in the Petition, nothing survives in the Petition. By accepting the statements made in the affidavit tendered today, the Petition is disposed of. In the event, the Petitioner finds that the action of demolition is not taken within a reasonable time by the Municipal Corporation, it will be open for the Petitioner to file appropriate proceedings in accordance with law. We make it clear that we have not made any adjudication on merits of the notice issued under Sub-section (1) of Section 53 of the Maharashtra Regional and Town Planning Act, 1966.

(VIBHA KANKANWADI, J)

(A.S. OKA, J)