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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO.970 OF 2015

M/s. Treaty Construction

... Petitioners

Vs.

The Commissioner,

Municipal Corporation of Greater Mumbai and Ors.

... Respondents

Mr. Rompal Kohli for the Petitioners.

Ms. Pallavi Thakar for the Respondent Nos.1 to 6.

Mr. Tushar Goradia a/w Swapna Rujavate for the Respondent No.7.

**CORAM : A.S. OKA &
SMT. VIBHA KANKANWADI, JJ.**

DATE : 12th JUNE, 2017

PC.

1 Heard the learned counsel appearing for the petitioners, the learned counsel appearing for the first to sixth respondents and the learned counsel appearing for the seventh respondent. According to the case of the petitioners, the first to sixth respondents have not taken action in respect of the alleged unauthorised changes/addition/alterations made by the members of the seventh respondent. A prayer is for issuing a writ of mandamus directing the Municipal Corporation to take action. The learned counsel appearing for the seventh respondent opposes the Petition. The learned counsel appearing for the first to sixth respondents have no instructions. Considering the narrow controversy

involved, we dispose of the Petition by passing the following order :-

ORDER

- (i) We direct the designated officer of the concerned ward to visit the property in question after notice to the petitioners as well as the seventh respondent;
- (ii) The designated officer shall ascertain whether any illegal constructions/unauthorised changes/ additions/ alterations have carried out as alleged by the petitioner;
- (iii) if the designated officer finds that such illegalities have been committed, he shall immediately initiate action in accordance with law. Needles to add that no action of demolition or removal of additions/ alterations shall be taken without giving show cause notice to all the persons affected thereby and without giving them an opportunity of being heard;
- (iv) All contentions on merits are kept open;
- (v) The Petition is disposed of on above terms.

(SMT. VIBHA KANKANWADI, J)

(A.S. OKA, J)