

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

WRIT PETITION NO.2208 OF 2014

Mr. Ramesh Bajaj and another	..Petitioners
Versus	
The Municipal Corporation of Greater Bombay and others	..Respondents

Mr. Rushil Mehta i/by Mr. Jitendra J. Shah for the Petitioners.

Mr. Joel Carlos a/w Ms. Pallavi Thakar for the Respondent Nos.1 and
2 – MCGM.

Mr. Som Sankar Sinha for the Respondent Nos.3 to 5.

CORAM : B. R. GAVAI &
M. S. KARNIK, JJ.
DATE : 26th SEPTEMBER, 2017

PC.

1] A prayer, as made in the Petition, is for a direction to
Respondent Nos.1 and 2 to forthwith take action against Respondent
Nos.3 to 5 under the provisions of the MRTP Act.

2] It appears that it was the contention of the Petitioners that
Respondent Nos.3 to 5 were indulging in illegal commercial activities on
the ground, 2nd, 5th and 6th floor of the building known as Shiv Sadan.

3] An affidavit has been filed by one B. S. Momale, Assistant
Engineer of the Respondent – Corporation, stating therein that the

Respondent has demolished the unauthorized construction as was found to be carried out by the Respondent Nos.3 to 5. It is further stated that insofar as other unauthorized structure which is required to be demolished is concerned, the Respondent Nos.3 to 5 have filed an Appeal under Section 47 of the MRTP Act before the Appellate Authority and since Civil suit is pending before the City Civil Court and since the Appellate Authority and the City Civil Court have passed an order of status-quo, demolition in respect of the said construction could not be carried out.

4] We find that the Petition has substantially served its purpose. So far as demolition of other unauthorized structure is concerned, we direct that the Corporation shall defend the said proceedings diligently and after final orders are passed in the said Appeal and Civil suit, the further action for demolition of unauthorized construction would be taken in accordance with the final outcome of the said Appeal and the suit.

5] The Petition is disposed of in the aforesaid terms.

[M. S. KARNIK, J]

[B. R. GAVAI, J]