

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

**WRIT PETITION NO.1871 OF 2016**

Vasundhara Arun Kadam ... Petitioner  
Vs.  
The State of Maharashtra,  
Through the Secretary,  
Slum Rehabilitation Department,  
Mumbai and Ors. ... Respondents

Mr. R.M. Kanojia for the Petitioner.

Ms. Kavita N. Solunke, A.G.P., for the Respondent-State.

Ms. Vandana Mahadik for the Respondent-Municipal Corporation.

Mr. Vijay Patil, a/w. Mr. Yogesh Patil, for Respondent No.4.

Mr. Amit Potnis, i/by M/s. Bagkar & Co., for Respondent No.5.

**CORAM : NARESH H. PATIL &**  
**DR. SHALINI PHANSALKAR-JOSHI, J.J.**

**DATE : 10<sup>TH</sup> APRIL 2017.**

**P.C. :**

1. Heard learned counsels for the respective parties.
2. The Petitioner's grievance is that, adjacent to the building in which he is occupying residential premises, there is a *Nala*. On the other side of *Nala*, a multi-storied building is already constructed. On that side, a wall is being erected to prevent percolation of *Nala* water. Such erection of wall is likely to adversely impact the Petitioner's area,

where the Petitioner is residing, and according to the Petitioner, there is no protection wall constructed to protect his area. The learned counsel for the Petitioner has referred to certain photographs, which are placed on record.

3. This situation could be well considered and appreciated by the Respondent-Municipal Corporation after having spot inspection.

4. In case the Petitioner submits a fresh comprehensive representation to the concerned Assistant Commissioner of the Respondent-Municipal Corporation within a period of two weeks from today, then, we direct the concerned Respondent-Municipal Authority to carry out spot inspection and take appropriate steps.

5. All issues on merits are kept open.

6. Petition is disposed of.

**[DR. SHALINI PHANSALKAR-JOSHI, J.] [NARESH H. PATIL, J.]**