

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

WRIT PETITION NO.1252 OF 2015

Mrs. Smita Datta Rao ... Petitioner.

Versus

Municipal Corporation of
Greater Mumbai and others ... Respondents.

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Mr. Hemant Ghadigaonkar for the Petitioner.
Ms. Vandana Mahadik for MCGM.

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***CORAM : Smt. Vasanti A Naik &
Riyaz I. Chagla, JJ.***

DATE : 29th November, 2017.

P.C. :

By this writ petition, the petitioner has sought a direction against the respondent nos. 1 to 3 to take action against the respondent no.4 in respect of the illegal construction, pursuant to the notice dated 04.12.2014.

According to the petitioner, who claims to have purchased one flat in the building constructed by the respondent no.4-developer, certain illegal additions and alterations are made in the flat allotted to the petitioner. It is stated that after securing the possession of the flat and residing in the same, the petitioner has realised that certain illegalities are committed by the developer while constructing the said flat. In the aforesaid background, the petitioner has sought a direction against the respondent nos. 1 to 3

to initiate action against the respondent no.4.

Ms. Mahadik, the learned counsel for the respondent Nos. 1 to 3 states on instructions that during the pendency of this writ petition, prosecution has been launched against the developer for making the illegal construction. It is stated that appropriate action would be taken against the respondent No.4 in accordance with law.

In the circumstances of the case, by accepting the statement made on behalf of the Corporation, we dispose of the writ petition with no order as to costs.

(Riyaz I. Chagla J)

(Smt.Vasanti A Naik, J)