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FARAD CONTINUATION SHEET No.

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

WRIT PETITION NO.1431 OF 2014

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr.A.C.Khan for the Petitioner

Ms Geeta Joglekar for the Respondent.

CORAM : A.S.OKA, &
SMT. VIBHA KANKANWADI, JJ.
DATE : JUNE 6, 2017

P.C.

1 Heard the learned counsel for the petitioners. Admittedly, the petitioners are in no manner concerned with the property on which the alleged illegal construction has been carried out. Prayers (A-i) and (A-ii) of this petition read thus:

"(A-i) the concerned Competent Authority to take action u/s.64-C of the MMC Act, against the Assistant Municipal Commissioner – C Ward and Designated Officer for wilful, intentional delay and negligence in discharge of their official duties in taking action u/s.351 of MMC Act

against the unauthorized construction informed by the Building Proposal Department vide their Notice dated 28.6.2013;

(ii) the Concerned Competent Authority/ Municipal Commissioner to register FIR and initiate criminal prosecution u/s.374-B of the MMC Act, against the Designated Officer for willingly neglecting to take action as provided u/s.351 of the MMC Act, against the unauthorized construction under reference r/w. Section 516-B of the MMC Act."

2 The petitioners have no locus to seek these reliefs. The first petitioner is claiming to be a society registered under the Societies Act, 1860 and the Bombay Public Trust Act, 1950. As far as prayer (A-iii) is concerned, the grievance of the petitioner is that though a notice is issued as regards illegal constructions, the same is not being acted upon.

3 We direct the Assistant Commissioner or the Designated Officer of the concerned Ward to look into the

representation made by the petitioners through his Advocate on 28th February 2014 and to initiate action in accordance with law.

4 Subject to above directions, writ petition is disposed of.

(VIBHA KANKANWADI,J.)

(A.S.OKA,J.)