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

WRIT PETITION NO.2588 OF 2015

Khar Seven Stars Co-op. Housing Society Ltd. ..Petitioner
Versus
The Municipal Corporation and others ..Respondents

Mr. Pradeep J. Thorat for the Petitioner.
Ms. Shital Mane for the Respondent Nos.1 to 3.
Mr. Hemant Mehta i/by M/s. Mehta & Co., for the Respondent No.4.

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

P.C.

1] The Petitioner has filed the present Petition, directing Respondent Nos.1 to 3 to take action of demolition in respect of the unauthorized alterations carried out in the property mentioned in the prayer clauses.

2] The Division Bench of this Court, vide order dated 6th June, 2017 had directed Respondent No.3 to visit the subject premises for ascertaining whether allegations made in the Petition of carrying out illegal work and illegal change of user are correct and if the Respondent No.3 finds that there is a substance in the said allegations, he shall initiate appropriate proceedings in accordance with law.

3] Accordingly an affidavit is filed by Shri. Ughade Sharad

Nivratti stating therein as under :-

> "3 I say that myself along with my D.O. Took the inspection of the site with the help of Police Officer on 27.07.2017. I say that it was observed that the flats on the first floor of the building are amalgamated without any permission of the Corporation. I say that the notice u/s 351 of the MMC Act, dated 28.07.2017 u/no. HW/DO2HW/100/351-MMC ACT/HW719NO1/ 28.07.2017 Dated 28.07.2017 was issued to the owner/occupier of the structure. Hereto annexed and marked Exhibit I is the copy of the said notice. I say that the appropriate action will be taken against the said work after following due procedure of law."

4] It could thus be seen that the Corporation has already initiated steps against the unauthorized construction. It has also been stated in an affidavit that an appropriate action will be taken against the said work after following due procedure of law.

5] We find that the purpose of the Petition stands served with the aforesaid averments made in the affidavit. Needless to state that the Corporation will proceed to take appropriate steps in accordance with law. Notice issued under Section 351 to be taken to its logical conclusion within six weeks.

Petition stands disposed of.

[M. S. KARNIK, J] **[B. R. GAVAI, J]**