

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

WRIT PETITION (L) NO. 2138 OF 2017

Girish Thomas Macwan Petitioner

Vs.

The State of Maharashtra and others Respondents

Mr. Laxman Deshmukh for the petitioner
Mr. Milind V. More for respondent nos. 2 to 4.

**CORAM : SMT. VASANTI A. NAIK,
RIYAZ I. CHAGLA, JJ.**

DATE : OCTOBER 30, 2017.

P.C.

By this writ petition, the petitioner seeks appropriate action against the persons named in the representation made by the petitioner to the Corporation. The petitioner has also sought necessary action against the respondent nos. 2 to 4/authorities for not taking decision on the representation of the petitioner.

According to the petitioner, some members of the society in which the petitioner is residing have made illegal construction in the common areas of the society. It is stated that though the petitioner had made a representation on 29/03/2016, the representation is not decided.

The learned counsel for respondent nos. 2 to 4 states that the representation of the petitioner was considered by the respondent nos. 2 to 4 and notices have been issued to the persons who have allegedly made unauthorised

construction in the common area. It is submitted that since notices under section 53 of the Maharashtra Regional and Town Planning Act, 1966 are served on the concerned persons, the cause for filing the writ petition would not survive.

Since the only prayer made by the petitioner is for a direction to the Corporation to decide the representation and since we find that the respondent nos. 2 to 4 have actually acted on the representation made by the petitioner and have issued notices to the concerned persons who are not joined as parties to this writ petition, we dispose of the writ petition with no order as to costs.

[RIYAZ I. CHAGLA J.]

[SMT. VASANTI A. NAIK, J.]