

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

WRIT PETITION NO. 293 OF 2015

Harishchandra Z. Chile Petitioner

Vs.

Municipal Corp. of Greater Respondents
Mumbai and others

Ms. Ankita Chhajed i/b Mr. Shamim and Co. for the petitioner
Mr. Shankar Thorat for respondent nos. 5 & 6.
Mr. R. D. Soni i/b S. B. Sharma for respondent nos. 8 to 10, 12 & 13.
Ms. Sheetal Mane for MCGM.

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

DATE : NOVEMBER 28, 2017.

P.C.

By this writ petition, the petitioner seeks a direction against the respondent nos. 1 to 7 to take action for demolition of 'A' and 'B' wings of the building constructed by respondent nos. 8, 9 & 10 illegally.

It appears after hearing the learned counsel for the parties that the respondent nos. 8, 9 & 10 have applied to the respondent authorities for regularisation of the illegal construction and it is not disputed by the S.R.A. that the regularisation application is still pending.

If the application made by the respondent nos. 8 to 10 for regularisation is still pending, it would not be proper to direct the respondent nos. 1 to 7 to

demolish 'A' and 'B' wings of the concerned building. The S.R.A. is free to decide the application of the respondent nos. 8 to 10 for regularisation, in accordance with law. Till the application for regularisation of the illegal construction is decided, the respondents are restrained from taking any coercive steps for demolition of the building. However, if the respondent nos. 8 to 10 ultimately fail in securing the regularisation of the construction, the respondents are free to take appropriate steps in accordance with law.

With the aforesaid directions and observations, the writ petition stands disposed of with no order as to costs.

[RIYAZ I. CHAGLA J.]

[SMT. VASANTI A. NAIK, J.]