

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

WRIT PETITION (L) NO. 2966 OF 2017

Nayna R. Radia and another Petitioners

Vs.

The Municipal Corporation of Greater Mumbai Respondent

Mr. Joel Carlos i/b Desai Carrimjee and Mulla for the petitioners
Ms. Vanadana Mahadik advocate for MCGM.

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

DATE : NOVEMBER 15, 2017.

P.C.

Ms. Vandana Mahadik, the learned counsel for the respondent/Corporation states that the attornment procedure would be followed by the Corporation. It is stated that the petitioner should however file appropriate proceedings for challenging the order dated 21/06/2016 as the petitioner is not the owner of the structure and the said structure is unauthorisedly construed.

In view of the statement made on behalf of the Corporation, the learned counsel for the petitioner seeks permission to withdraw the writ petition as the petitioner wishes to avail the appropriate remedy. The learned counsel however seeks the interim relief for a short period with a view to avail the alternate remedy.

The request made on behalf of the petitioner is just and reasonable. In the circumstances of the case, we restrain the Corporation from taking any coercive steps for demolition of the building for a period of 3 weeks only. The writ petition is disposed of accordingly.

[RIYAZ I. CHAGLA J.]

[SMT. VASANTI A. NAIK, J.]