

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 52 OF 2017**

Metro Unity Co-op. Housing Society Ltd. Petitioner

Vs.

Municipal Corporation of Greater Mumbai Respondents
and others

Mr. Rohan Cama, Mr. Hasmit Trivedi, Mr. Darshan Mehta, Mr. Naresh Cheeda
i/b Dhruve Liladhar & Co. for the Petitioner
Ms. Vandana Mahadik for MCGM
Mr. Amit Shastri AGP for the State.
Mr. Pradeep Thorat for Respondent no. 7.

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

DATE : OCTOBER 9, 2017.

P.C.

Heard.

The writ petition is disposed of with the consent of the learned counsel
for the parties on the following terms:-

- (i) The structure of the respondent no. 7, that falls beyond the compound wall and boundary of CTS No. 18 and obstructs the entrance gate of the building in CTS No. 19 would be removed by the respondent no. 7 by 5.00 p.m. on 10/10/2017.

(ii) If the respondent no. 7 does not remove the structure as agreed, in clause (i) and/or if the respondent no. 7 again makes a similar encroachment, the Corporation would *suo motu* or on the request made by the petitioner, remove the unauthorised structure-encroachment that falls beyond the compound wall of CTS No. 18, immediately.

(iii) Removal of the structure by the respondent no. 7 would not affect the rights of respondent no. 7, if any, as agitated before the respondent-corporation.

(iv) No order as to costs.

[RIYAZ I. CHAGLA J.]

[SMT. VASANTI A. NAIK, J.]