

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

WRIT PETITION (L) NO. 3030 OF 2017

Dahisar Sarvoday Vividh Karyakari Petitioner
Sahakari Society Ltd.

Vs.

The Municipal Corporation Respondents
of Greater Mumbai and others

Mr. Pravartak Pathak advocate for the petitioner
Ms. Sheetal Mane for Municipal Corporation of Greater Mumbai
Mr. K. R. Trivedi AGP for the State.
Ms. Geetanjali Chaphalkar, Sub-Engineer (Road maintenance)

**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 Corporation, not to demolish the structure of the petitioner bearing shop no. 2, in survey no. 32, Ulhas building, Dahisar, Mumbai without following the due process of law.

Ms. Mane, the learned counsel for the Corporation, on instructions from Ms. Geetanjali Chaphalkar, Sub-Engineer (Road maintenance), who is present in the court today states that the Corporation authorities would not take any action for demolition of the petitioner's structures without following the due process of law. It is stated that as per the procedure prescribed, a notice would

be served on the petitioner and an opportunity would be granted to it before action of demolition is undertaken.

In view of the statement made by the learned counsel for the Corporation, the grievance of the petitioner should stand redressed. Hence, we dispose of the writ petition by accepting the statement made on behalf of the Corporation that would be binding on the Corporation. Order accordingly. No order as to costs. The points raised in the petition are kept open.

[RIYAZ I. CHAGLA J.]

[SMT. VASANTI A. NAIK, J.]