

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 635 OF 2015

Dr. Hemant Kshirsagar and anr. ... Petitioners

Versus

City & Industrial Development Corporation
of India and Ors. ... Respondents

Mr. A.S. Rao for the petitioners.

Mr. A.M. Kulkarni a/w Mr. Gaurav Sharma for respondent
nos. 1 to 3.

Mr. V.S.Gokhale, "B" Panel counsel, AGP for respondent nos.
4 to 7.

**CORAM : SHANTANU KEMKAR &
SARANG V. KOTWAL, JJ.
DATE : AUGUST 20, 2018**

P.C.:

Parties through their counsel.

2. The grievance of the petitioner is that respondent no. 8 has raised constructions unauthorizedly and made structural changes without there being any permission from the respondent CIDCO. Respondent CIDCO as also respondent no. 8 have filed reply. The case of respondent no. 8 is that he

has not raised any unauthorized or illegal construction but in fact petitioners are using their premises for different purpose than for which it was sanctioned.

3. Be that as it may, we find that the question of unauthorized construction or illegal user as alleged by the parties against each other has to be considered and decided by the competent authority of the CIDCO. In the circumstances, we dispose of this petition by directing the competent authority of CIDCO to examine the entire issue raised by the petitioners as also by respondent no. 8 and take appropriate steps against the unauthorized construction or unauthorized user of the premises, as the case may be, in accordance with law, after giving due opportunity of hearing to the petitioners as also to respondent no. 8.

4. Let the decision as aforesaid be taken by the competent authority CIDCO within four months from the date of receipt of copy of this order.

5. With the aforesaid directions, petition is disposed of.

6. Needless to say that we have not examined the merits of the matter and the competent authority of the CIDCO shall be

free to decide the matter in accordance with law.

(SARANG V. KOTWAL, J.) (SHANTANU KEMKAR, J.)