

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 13563 OF 2017

WIH

CIVIL APPLICATION NO. 133 OF 2018

Smt.Sarala K. Pevekar and others. ... Petitioners.

V/s.

Vasai Virar City Municipal Corporation
and others. ... Respondents.

Mr.Sandeep Mishra for the petitioner/applicant.

Ms.Swati H. Sagvekar for respondent No.1.

Mr.PK.Dhakephalkar, Senior Advocate i/b. Mr.Niranjan P.

Shimpi for respondent No.3.

CORAM : A.S.OKA AND RIYAZ I. CHAGLA, JJ.

DATE : 6th April 2018.

P.C.:

There is no dispute that during the pendency of the petition, the wall constructed on the front and back side of the premises has been demolished by the first and second respondents. There is also no dispute that in terms of the statement of the learned counsel appearing for the first and second respondents recorded on 9th March 2018, the said respondents have already commenced work of removal of debris.

2. The learned counsel appearing for the third respondent submits that the first and second respondents have demolished the wall

without following due process of law. Suffice it to say that in view of demolition of wall and in view of the fact that acting upon the statement made by the first and second respondents on 9th March 2018, they have already started removal of the debris, it is not necessary to keep the petition and civil application pending and the same can be disposed of by passing the following order:

(i) We make it clear that we have not made any adjudication on the legality of the action of the first and second respondents of demolishing the wall. If the third respondent is aggrieved by the same, he is at liberty to take appropriate proceeding;

(ii) Subject to what is observed above, writ petition and civil application are disposed of.

(RIYAZ I. CHAGLA, J.)

(A.S.OKA, J.)