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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.818 OF 2017
IN
WRIT PETITION NO.1238 OF 1998

Pandurang K. Koli ...Applicant

IN THE MATTER BETWEEN :

Narayan B. Shendge ...Petitioner

V/s.

Pandurang K. Koli ...Respondent

Mr.Dilip Bodake for the Applicant / Respondent.

Mr.S.S. Chaudhari for the Respondent.

CORAM : R.D. DHANUKA, J.
DATE : 7TH MARCH, 2018.

P.C. :-

1. By this civil application, the applicant seeks an order vacating ad-interim protection granted by this Court on 15th June, 1998. The order is in force since then and thus no case is made out for vacating the ad-interim order passed by this Court.

2. It is however, the grievance of the applicant that the original petition has commenced the construction on the suit property without obtaining prior permission of the authority. It is made clear that if any unauthorized construction is being carried out by the

petitioner as sought to be contended by the applicant in the civil application, the authority will be empowered to look into the complaint, if any, made by the applicant and to verify whether any unauthorized construction is being carried out by the original petitioner. The authority before whom such complaint is made by the applicant, shall decide the said complaint after hearing both the parties expeditiously. Merely because the petition is admitted and interim relief is granted by this Court, the petitioner is not permitted to carry out the construction without obtaining prior permission of the authority.

3. The civil application is disposed of in aforesaid terms. No order as to costs.

(R.D. DHANUKA, J.)