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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.12608 OF 2015

Sunil Parshuram Bhujbal ...Petitioner
vs.
State of Maharashtra ...Respondent

Ms Lalita Hemant Panchakshari for the Petitioner
Ms Nisha Mehra, AGP for the respondent No.1
Mr.Rajdeep S. Khadapkar for respondent No.2
Ms Trupti Goswami I/b Mr.D.D.Shinde for respondent
No.4.

CORAM : A.S.OKA, &
RIYAZ.I.CHAGLA, JJ.
DATE : JULY 17, 2018

P.C.:

1 Heard the learned counsel for the petitioner, the learned counsel for the second respondent, the learned AGP for the first respondent and the learned counsel for the forth respondent. The grievance in this petition under Article 226 of the Constitution of India is that the forth respondent has allegedly carried out illegal construction as mentioned in the petition and that the second respondent has not taken any action notwithstanding complaints made by the petitioners.

2 This petition of the year 2014 need not be kept pending and the same is disposed of by passing the following order:

(I) We direct the second respondent to depute the Designated Officer or any Officer to visit the building/structure constructed by the fourth respondent with a view to ascertain whether any illegal construction has been carried out by the fourth respondent. This exercise of taking inspection shall be completed within a period of four weeks from today;

(II) If the nominated Officer after inspecting the building/structure finds that there is any illegality committed by the fourth respondent, the second respondent shall immediately initiate action of demolition;

(III) Needless to add that the action shall be taken only after giving notice to the fourth respondent as well as all persons affected thereby;

(IV) Action taken by the second respondent/Municipal Officer in terms of this direction shall be communicated in writing by the concerned Officer of the Municipal Corporation to the petitioner within a period of four months from today;

(V) In case of inaction on the part of the Municipal Corporation, it will be always open for the petitioner to take out appropriate proceedings in accordance with law;

(VI) We make it clear that we have made no adjudication on merits of the complaint;

(RIYAZ.I.CHAGLA,J.)

(A.S.OKA,J.)