

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2015 OF 2015

Nav Maharashtra Vidhya Vikas Mandal. ..Petitioner.
Versus
The Chief Executive Officer and Others. ..Respondents.

Mr. M. S. Mulla i/b Mr. I. M. Khairadi for the Petitioner.
Mr. Mandar Limaye for Respondent No. 1, 3 and 4.
Mr. V. N. Sagare, AGP for the Respondent No. 5, 6 and 7 -State.

Coram : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI, JJ.
Date : **January 8, 2018.**

P. C. :

1. Heard the learned Counsel appearing for the respective parties. Respondent No. 1 issued notice to Respondent No.8 under section 54 of the MRTP Act to remove the illegal construction mentioned therein. This notice was issued on 25th October 2013. The grievance of the Petitioner is that after issuance of this notice, Respondent No.1 – Council has not taken any further action. Therefore, the present writ petition is filed for a direction to Respondent Nos. 1 to 7 to remove encroachment made by Respondent No. 8 on the subject land.
2. The notice of this petition was issued to Respondent No. 8. The report shows that Respondent No. 8 is duly served. Despite notice, none appears on his behalf.

3. The learned Counsel for Respondent No.1 states that Respondent No. 8 has not challenged the notice dated 25th October 2013 issued under section 54 of the MRTP Act. In these circumstances, in our view, Respondent No.1 must take the said notice to its logical end. We accordingly dispose of this writ petition by directing Respondent No.1 to take appropriate action on the said notice dated 25th October 2013.

[SMT. ANUJA PRABHUDESSAI, J.]

[RANJIT MORE, J.]