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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.1137 OF 2016

Khanderao Kashinath Tilekar & Anr. ...Petitioners
vs.
State of Maharashtra & Ors. ...Respondents

Mr.V.D'silva for the Petitioners
Ms Pallavi Thakar for MMC
Mr.Amar Mishra, AGP for State
Ms Sapna Khobragade i/b Sandeep Shankar for
respondent Nos.3 to 5.

CORAM : A.S.OKA, &
P.N.DESHMUKH,JJ.
DATE : JANUARY 29, 2018

P.C.:

1 The learned counsel for the second respondent states that notice under section 351 of the Mumbai Municipal Corporation Act,1888 has been issued by the Designated Officer after finding that there is unauthorized construction of ground plus one floor. The learned counsel for the respondent Nos.3 to 5 has produced for perusal of the Court said notice. He states that the said respondents have already replied to the said notice. The learned counsel for the respondent Nos.3 to 5 states that even the petitioners will be affected by the said notice and the action proposed as per the notice.

2 The learned counsel for the respondent Nos.1 to 3 shall supply a copy of the notice to the Advocate for the petitioners. Accordingly, in the open Court

a copy of the said notice has been handed over to the Advocate for the petitioners.

4 Hence, we need not keep the petition pending and the same is disposed of by passing the following order:

(I) It will be open for the petitioner to file a reply to the said notice within a period of two weeks from today;

(II) We direct the Designated Officer to pass an appropriate order on the said notice dated 9th January 2018 as expeditiously as possible and in any event within a period of three months from today;

(III) Needless to add that the Mumbai Municipal Corporation shall act in terms of the decision of this Court in the case of Sopan Maruti Thopte and another vs. Pune Municipal Corporation and another¹;

(IV) All contentions of the parties on merits of the notice are kept open;

(V) Writ petition is disposed of on above terms.

(P.N.DESHMUKH,J.)

(A.S.OKA,J.)