

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION**

**WRIT PETITION NO.586 of 2016**

Nitesh Prataprai Kothari .....Petitioner

versus

Mumbai Municipal Corporation and ors. ....Respondents

Ms. Aditi Naikare i/b. Mr. Pradeep J. Thorat, advocate for the petitioner.

Ms. K. H. Mastakar, advocate for the Corporation.

Mr. S. P. Patil i/b. Mr. A. L. Yadav, advocate for the respondent No.3.

**CORAM : RANJIT MORE &  
REVATI MOHITE DERE, JJ.**

**DATE : 22<sup>nd</sup> NOVEMBER, 2018.**

**P. C. :**

Heard learned counsel appearing for the respective parties.

2. The petition is filed seeking direction to respondent Nos.1 and 2 to take action of removal of the unauthorized structure constructed in the open space of the property land survey Nos.70, 71, 72, 73, 74, 75, 84/A and 84/7 totally admeasuring 14,770.60 sq.mtrs. situate at Village Kurar, Malad (East), Mumbai 400097. It is alleged that the unauthorized structure is carried out by the respondent No.3.

3. The Corporation has filed a reply to this petition and pointed out that notice was issued to the respondent No.3 under Section 351 of the Maharashtra Municipal Corporation Act for removal of the said unauthorized structure. The respondent No.3, however, has approached the Civil Court and obtained stay.

4. The learned counsel for the Corporation stated that appropriate steps would be taken to make an application for vacation of the interim stay and/or expeditious disposal of the suit/notice of motion filed by the respondent No.3. The statement is accepted.

5. In the light of the above, learned counsel for the petitioner fairly stated the grievance raised in the petition, at this stage, does not survive. The writ petition is, accordingly, disposed of.

**[REVATI MOHITE DERE, J.]**

**[RANJIT MORE, J.]**