

Jsn

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

WRIT PETITION NO. 1852 OF 2014

Mr. Ajaz Ahmed Chaudhary ... Petitioner
Versus
The Municipal Corporation of Greater Mumbai ... Respondents
& Ors.

Mr. Shriniwas Singh, for the Petitioner.
Ms. Pallavi Thakar, for Respondent – BMC.
Mr. S.R. Mishra, for Respondent No.3.

**CORAM: A.S. OKA AND
RIYAZ I. CHAGLA, JJ.**
DATED: 6TH MARCH 2018.

PC:-

1. The second Respondent is personally present in Court. A compilation is tendered across the bar by the learned counsel appearing for the Mumbai Municipal Corporation which shows that site visit was made by Junior Engineer, “L” Ward on 1st March 2018. The inspection report shows that an illegal construction of ground plus two floors was found to be in existence. On 5th March 2018, a notice has been issued under Section 351 of the Mumbai Municipal Corporation Act, 1888 to the Principal of the school which is being run in the structure. The learned counsel appearing for the third Respondent states that, the third Respondent is the director of the said school. A copy of the notice

is provided in open Court to the Advocate for the third Respondent.

2. Thus, belated action has been taken by the Mumbai Municipal Corporation. In view of the fact that a notice is issued under Section 351 (1) of the said Act of 1888, it is not necessary for us to keep this Petition pending.

3. Hence, we pass the following order:-

(a) We direct the Mumbai Municipal Corporation to take the notice dated 5th March 2018 to its logical conclusion after strictly following directions issued by this Court in the case of ***Sopan Maruti Thopte & Anr. Vs. Pune Municipal Corporation***¹ as expeditiously as possible;

(b) The Writ Petition is disposed of with the above direction.

(RIYAZ I. CHAGLA J.)

(A.S. OKA, J)

1 1996 (1) Mh L.J 963.