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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.2896 OF 2014

Implosion Co-operative
Housing Society Limited ...Petitioner
vs.
Municipal Corporation of
Greater Mumbai & Ors. ...Respondents

Mr.Chetan Mali i/b Mr.Sarnath Sariputta Pramod for
the Petitioner
Ms Jaymala Oswal for the respondent-MMC

CORAM : A.S.OKA, &
P.N.DESHMUKH,JJ.
DATE : JANUARY 5, 2018

P.C.:

1 The learned counsel for the Mumbai Municipal Corporation tenders a report dated 7th October 2015 submitted by the Designated Officer-I and IV, (B & F), M/East ward. A photo copy of the report is taken on record and marked 'X-1' for identification. On instructions of Shri Swapnil Patil, Assistant Engineer (B & F), M/East who is personally present in the Court, she states that even yesterday the said Officer visited the site and he found that the temporary shed which was removed earlier is not in existence. We accept the said statement.

2 Only substantive prayer in this petition is prayer clause (a). We have perused the representations/letters at Exhibits-E, F and G. Exhibit-E is the letter addressed to the Police

seeking registration of FIR. The grievance regarding the failure to register FIR cannot be entertained in this civil Writ Petition and the petitioner will have to adopt appropriate remedy. As far as Exhibit-F is concerned, it makes a grievance about the illegal demolition of the compound wall with which obviously the Mumbai Municipal Corporation is not concerned. In Exhibit-G, a grievance is again made about the illegal demolition of the compound wall.

3 We accept the aforesaid statement made by the learned counsel for the Mumbai Municipal Corporation on instructions. As far as non registration of the FIR and the alleged illegal demolition of the compound wall is concerned, the petitioner will have to adopt appropriate remedy. If there is any other illegal construction on the subject property, the petitioner can always make a representation to the concerned Designated Officer who is bound to look into the representation.

4 Subject to what is observed above, writ petition is disposed of.

(P.N.DESHMUKH,J.)

(A.S.OKA,J.)