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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.1045 OF 2017

Rajendra Waman Vaity ...Petitioner
vs.
The State of Maharashtra
and others ...Respondents

Ms Namrata Kadam i/b Mr.A.R.Bhatt for the Petitioner
Ms Kejali Mastakar for the respondent No.2
Mr.Hemant Haryan, AGP for respondent No.1
Mr.Neil Shinde i/b Mr.R.L.Turbhekar for respondent
No.4

CORAM : A.S.OKA, &
P.N.DESHMUKH, JJ.
DATE : JANUARY 10, 2018

P.C.:

1 Heard the learned counsel appearing for the petitioner, the learned counsel for the respondent Nos.2 and 3 and the learned AGP for respondent No.1 and the learned counsel for the respondent no.4. The learned counsel for the respondent No.4 seeks time.

2 The grievances made in this petition are two fold. First grievance is regarding the failure of the respondent No.2-Municipal Corporation to take action against the respondent No.4 for alleged illegal work carried out by him. The second grievance is that the respondent No.4 who is the real brother of the petitioner has put debris in front of the entrance of the door of the premises of the petitioner. As far as this grievance is concerned, the remedy of the petitioner is against the respondent No.4 and he cannot compel the

Municipal Corporation to remove the said debris.

3 As far as the first grievance is concerned, the learned counsel for the petitioner has placed on record a speaking order dated 20th November 2017 passed by the Designated Officer, M/T Ward of the Mumbai Municipal Corporation. The same is taken on record and marked 'X' for identification. The grievance of the learned counsel for the petitioner is that notwithstanding the said speaking order, no action of demolition is taken.

4 As the Mumbai Municipal Corporation has already passed the order dated 20th November 2017, this petition need not be kept pending. If there is no prohibitory order of any Court which prevents the Mumbai Municipal Corporation to take action of demolition, on the basis of the order dated 20th November 2017, the Mumbai Municipal Corporation is under an obligation to take action. If there is inaction on the part of the Mumbai Municipal Corporation, it will be always open for the petitioner to make an application to the concerned Designated Officer which shall be dealt with by him in accordance with law.

5 Subject to what is observed above, writ petition is disposed of. Remedies of the petitioner are kept open.

(P.N.DESHMUKH,J.)

(A.S.OKA,J.)