



2. With regard to the rest of the prayers, we find the grievance of the Petitioner stands substantially satisfied.

3. Learned Counsel for the Respondents No.2 & 3 has filed pursis along with panchanama of demolition of unauthorised construction.

4. We place on record our appreciation for Respondents No.2 & 3 for giving effect to the order of Respondent No.2 dated 05/08/2014, though after a period of 4 years and 2 months and only after the orders were passed by this Court to act in accordance with law.

5. We also place on record our appreciation for Mumbai Municipal Corporation as well as Police Authority for providing necessary assistance to the Respondents No.2 & 3 so as to implement the order passed by Respondent No.2 prior to 4 years and 2 months.

6. Shri Naidu submits that though the grievance of the Petitioner stands substantially satisfied, there are certain issues with regard to which directions of this Court would be necessary. They are :

i) After demolition, the debris is standing in the basement of the Petitioner and unless that is removed from the basement, the areas which are now clear cannot be utilised for the benefit of the members of the Society.

ii) that in addition to the area which was reserved for lift, basement, parking, Balwadi, Society's office, welfare centres, the Petitioner is also entitled to the area reserved for multipurpose centre. He submits that as per the sanctioned plan, the entire area to which the Petitioner - Society would be entitled is 170.28 sq. meters on the first floor.

iii) that the ramp which was provided for access to the basement parking has been unauthorisedly demolished by the Respondents No. 6, 7, 8, 9 & 10. It is submitted that unless the ramp is reconstructed which is as per sanctioned plan, basement area in the parking cannot be put in use.

7. We find the grievance of the Petitioner is justified.

It that view of the matter, we issue the following directions.

(a) Insofar as the debris lying in the basement area is concerned, the Respondent No.3 is directed to remove the said debris from the site. However, all the facilities including the labour, trucks, dumper etc, shall be provided by the Petitioner- Society.

(b) Insofar as the claim of the Petitioner for entire area admeasuring 170.28 sq.meters is concerned, the Respondents No.2 & 3 are directed to determine the said issue after following the procedure as prescribed by law and ensure that entire amenities and facilities area is handed over to the Petitioner-Society as per its entitlement. The same shall be done within a period of 6 months from today.

(c) Since the ramp is a part of the sanctioned plan which was unauthorisedly demolished, we grant liberty to the Petitioner to restore the position of entire structure as per the sanctioned plan attached to the final occupation certificate. For the same, no fresh permission

of either Respondents No.2 & 3 is necessary.

8. In the light of the aforesaid directions, nothing survives for further adjudication.

9. The Writ Petition is disposed of.

(M.S.KARNIK, J.)

(B.R.GAVAI, J.)