

pmw

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.112 OF 2018**

Nav Chetna Justice Forum and Anr.	... Petitioners
Vs.	
Mumbai Municipal Corporation and Ors.	... Respondents

Mr. Vijayprakash Yadav for the Petitioners.
Ms. Shital Mane for the Respondent Nos.1 to 3.
Mr. Abhijeet Desai & Mr. Navin Arora i/by Desai Legal for the Respondent No.5.
Ms. Asha Nair i/by Diamondwala & Co. for Respondent No.6.

**CORAM : A.S. OKA &
RIYAZ I. CHAGLA, JJ.**

DATE : 27th MARCH, 2018

PC.

1 Heard the learned counsel appearing for the petitioners, the learned counsel appearing for the first to third respondents, the learned counsel appearing for the fifth respondent and the learned counsel appearing for the sixth respondent. Perused the order dated 12th December, 2017 and in particular clause (i) of paragraph 4. By accepting the statements made by the sixth respondent which are recorded in clause (i) of paragraph 4 and by accepting the statement made by Shri Bhagwat Jaywant Kamble on behalf of the fourth respondent, this Petition has been disposed of by the said order. It is

not in dispute that the sixth respondent gave undertaking in terms of clause (i) of paragraph 4.

2 Today, the learned counsel appearing for the petitioners invited our attention to sketch at Exhibit – C. He states that this Petition was filed in respect of two structures, one described as Existing Old Temple and the other described a New Illegal Temple on the said plan at Exhibit – C. He states that Existing Old Temple has been demolished and $\frac{3}{4}$ part of New Illegal Temple has been demolished. His grievance is that remaining $\frac{1}{4}$ part has not been demolished.

3 The Petition has been already disposed of. If according to the case of the petitioners, even remaining $\frac{1}{4}$ is illegal, it will be open for the petitioners to make a representation to the first respondent for taking appropriate action. If according to the case of the petitioners, the undertaking given by the sixth respondent has been breached, it is for the petitioners to take out appropriate proceedings in that behalf.

(RIYAZ I. CHAGLA, J)

(A.S. OKA, J)