

Mohd. Aslam Mohd. Habib Shaikh	...	Petitioner
<i>Versus</i>		
Municipal Corporation for Greater Mumbai	...	Respondent

Mr. Virendra T. Dubey for Petitioner.
Ms Vandana Mahadik for Respondent-MCGM.

CORAM: NARESH H. PATIL, ACTING CJ &
R. G. KETKAR, J.

DATE : AUGUST 31, 2018

P.C.

Not on Board. Taken on Board.

2. The petitioner has placed on record a notice issued by Brihanmumbai Mahanagarpalika under Section 488 of the M.M.C. Act for demolition of the subject structure, unauthorized construction, on 01.09.2018 and thereafter on any date at 11.00 a.m. The Counsel has referred to the order passed by the Division Bench of this Court (Coram : A. S. Oka and P. N. Deshmukh, JJ.) dated 05.02.2018 in Writ Petition (L) No.170 of 2018. The Counsel has raised certain pleas seeking protection to the proposed demolition. It is submitted that regularization application be permitted to be made, and in the alternative, issue regarding the competency

of the authority concerned was also raised.

3. In the facts, we are of the view that the petitioner, if advised, may move the Division Bench headed by Justice A. S. Oka as the plea raised by the Counsel appearing for the petitioner, if considered would amount to review of the order passed by the Division Bench on 05.02.2018.

4. We, therefore, direct the Corporation not to give effect to the notice of demolition dated 31.08.2018 till 10.09.2018.

5. Counsel for the Corporation to intimate this order to the designated officer concerned. Petition is disposed of.

6. Parties to act on the authenticated copy of this order.

R. G. KETKAR, J.

ACTING CHIEF JUSTICE