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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO.2985 OF 2017

Dilip Anant Dadarkar and Anr.

... Petitioners

Vs.

The Executive Engineer and Ors.

... Respondents

Ms. Usha Purohit for the Petitioners.

Ms. Sushma Nagaraj & Mr. Devashish Tiwari for the Respondent Nos.1 to 5.

Mr. V.M. Parashurami for the Respondent No.6.

Mr. Ajay Panikar and Ms. Hemali Kurne i/by Ajay Law Associates for the Respondent No.7.

Mrs. Prachhi Mhatre i/by M/s. Shiralkar & Co. for the Respondent No.8.

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

DATE : 7th MARCH, 2018

PC.

1 Perused the orders dated 13th December, 2017 and 31st January, 2018. Today, the learned counsel appearing for the first to fifth respondents tenders an affidavit of Shri Kiran Kumar Annamwar, Assistant Engineer, Building and Factory Department. The said affidavit records that the notices have been issued under Sub-Section (1) of Section 53 of the Maharashtra Regional and Town Planning Act, 1966. Copies of the said notices have been annexed as Exhibits – A and B to

the affidavit. The notices are in respect of flats specifically mentioned therein.

2 The learned counsel appearing for the seventh respondent has something to say about the legality of the notices. In this Petition, considering the scope of this Petition, we cannot decide the issue of the legality and validity of the notices. If anybody is aggrieved by the same, he has to adopt appropriate proceedings. Now that action has been initiated by the Mumbai Municipal Corporation by issuing notices, this Petition need not be kept pending.

3 We dispose of the Petition by passing the following order :-

ORDER

- (i) We accept the statements made in the affidavit dated 26th February, 2018 of Shri Kiran Kumar Annamwar, Assistant Engineer, Building and Factory Department of the Municipal Corporation;
- (ii) The Mumbai Municipal Corporation shall take the said notices to its logical conclusion in accordance with law as expeditiously as possible;

- (iii) We make it clear that if the Municipal Corporation fails to take action on the basis of the said notices within a reasonable time, the petitioners can always file a fresh Petition for making appropriate representation to the Municipal Authorities;
- (iv) We make it clear that we have made no adjudication on legality and validity of the notices issued by the Mumbai Municipal Corporation.

(RIYAZ I. CHAGLA, J)

(A.S. OKA, J)