

pmw

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORIGINAL SIDE

WRIT PETITION NO.2867 OF 2015

M/s. Khotwadi Bhimwada Zopadpatti Punarvikas
Samatti Co-op. Hsg. Society Ltd. & Anr. ... Petitioners

Vs.

The Municipal Corporation of Greater Mumbai & Ors. ... Respondents

None for the petitioners.

Ms. K.H. Mastakar for the Respondent Nos.1 and 2.

Mr. Rajiv Mane, AGP for the Respondent Nos.5 to 7.

Mr. Jagdish Reddy for the Respondent No.3.

CORAM : A.S.OKA AND RIYAZ I. CHAGLA, JJ.

DATE : 30th July 2018.

P.C. :

1 None appears for the petitioners. The learned counsel appearing for the first and second respondents is present. Perused the earlier orders passed by this Court. There is a reply filed by the Respondent No.5. It appears from the reply that an order under Section 351 of the Mumbai Municipal Corporation Act, 1888 was passed directing demolition of the illegal construction. There is a reference to notices issued under the Maharashtra Slum Areas (Improvement, Clearance And Redevelopment) Act, 1971. The affidavit of the fifth respondent records that the fifth and sixth respondents have filed a suit in which injunction was applied for. Reliance is placed on the order of status-quo passed by this Court in an appeal from order.

2 So long as the order of status-quo passed by this Court continues to operate, obviously the Mumbai Municipal Corporation cannot take action on the basis of the orders of demolition already issued.

Hence, we dispose of the petition by directing that as and when prohibitory order which prevents the Municipal Corporation from acting upon the notices/ orders of demolition is either vacated or set aside, action of demolition shall be immediately initiated by the Mumbai Municipal Corporation. We make it clear that we have made no adjudication on the merits of the pending proceedings.

(RIYAZ I. CHAGLA, J.)

(A.S.OKA, J.)