

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 10725 OF 2017**

Sharadadevi Dhondiba Jadhav & ors. ...Petitioners
Versus
The Solapur Municipal Corporation Solapur ...Respondents
& ors.

Ms. Anjali r. Shiledar Baxi, for the Petitioners.
Mr. I. M. Khairdi, for Respondent nos.1 to 3/Corporation.
Ms. Molina Thakur, AGP for the State/Respondent nos. 9 &
10.

**CORAM: S. J. KATHAWALLA &
N. J. JAMADAR, JJ
DATED : 15th NOVEMBER, 2019**

PC:-

1. By the above writ petition the petitioner has prayed for the following reliefs :

(a) The writ of mandamus or any other appropriate writ order or direction be issued to the respondent nos.1 to 3 to reconstruct the shop premises i.e. Nandkumar General Provision Stores at CTS No.858, South Kasaba, Solapur.

(b) The Writ of mandamus or any other appropriate writ order or direction be issued to respondent nos.4 to 8 to handover one gala in newly constructed building in CTS No.858, South Kasaba Solapur.

2. Mr. Khairdi, the learned Counsel for the Corporation has pointed out that two notices dated 5th May, 2017 and 19th May,

2017, under Sections 264 and 268, of the Bombay Provincial Municipal Corporations Act, 1949, were served on the petitioner. The notices were neither replied to nor challenged by the petitioner. In view thereof, the Corporation demolished the offending structure/shop premises, which is the subject matter of the said notices. The said notices are not challenged by the Petitioner till date and the only relief sought is a direction to the Corporation to reconstruct the shop premises or to direct the landlord to hand over one gala in the newly constructed building on the plot of land, where the offending structure of the petitioner was situated. In view thereof, no relief can be granted to the petitioner under Article 226 of the Constitution of India. However, the petitioner shall be at liberty to file a suit or take out appropriate proceeding before the appropriate authorities/Court and obtain necessary orders.

3. The writ petition is accordingly disposed of.

[N. J. JAMADAR, J.]

[S. J. KATHAWALLA, J.]