

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION (ST) NO. 5607 OF 2019

Dadu Piraji Kamble and Ors.	}	Petitioners
versus		
Pimpri Chinchwad Municipal Corporation and Ors.	}	Respondents

Mr.Sudhir V.Sadavarte for the petitioner.

Mr.Rohit P.Sakhadeo for respondent nos.1 to 3.

Ms.Ashwini A.Purav-AGP for respondent nos.4 and 6 to 9 (State)

**CORAM :- S. C. DHARMADHIKARI &
B. P. COLABAWALLA, JJ.
DATE :- APRIL 5, 2019**

P.C. :-

1. After hearing Mr.Sadavarte, we are not inclined to entertain this writ petition for the simple reason that till date, we have not seen any attempt being made by the Municipal Corporation to enforce its notice under section 53(1)(a) of the Maharashtra Regional and Town Planning Act, 1966. The notice is dated 30th May, 2018 and we are in April, 2019. Even though no application for retention was made by invoking sub-section (3) of this provision till date, the Municipal Corporation has not done anything which would give an apprehension to the petitioners that their structures would be demolished.

2. Once there is a complete remedy available to approach the Municipal Corporation under sub-section (3) of section 53 even now or to bring such action against the Municipal Corporation, including a civil suit in competent court, all the more we are not inclined to interfere in writ jurisdiction.

3. The writ petition is dismissed accordingly. It is clarified that we have not expressed any opinion on the rival contentions.

(B.P.COLABAWALLA, J.)

(S.C.DHARMADHIKARI, J.)