

*Sequeira*

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

*PUBLIC INTEREST LITIGATION NO. 4 OF 2018*

Sajid Usman Batliwala ... Petitioner  
V/s.  
The State of Maharashtra and others ... Respondents.

Mr.Rakesh Agrawal, for the Petitioner.

Mr.P.P.Kakade – Government Pleader a/w Mr.M.M.Pabale –  
Additional Government Pleader, for Respondent No.1.

Mr.N.R.Bubna, for Respondent Nos.2 to 4.

*CORAM : PRADEEP NANDRAJOG, C.J. &  
N.M. JAMDAR, J.  
DATE : 24 JUNE 2019.*

**P.C. :-**

1. Writ Petition is listed for preliminary hearing today. List the Petition on 16 September 2019. Counsel appearing for Respondent Nos.2 to 4 states that he has received instructions from said Respondents and that the facts pleaded in the Writ Petition are correct.

2. Thus, the Writ Petition can be disposed of without calling for a counter affidavit.

3. It is the case of the Writ Petitioner that the 5<sup>th</sup> Respondent demolished the existing structure on land comprised in Survey No.513 (old), 97 (new) of Village Bhayander, District Thane. The same was without taking any permission under the Maharashtra Provincial Municipal Corporation Act, 1949 and Maharashtra Regional Town Planning Act, 1966. It is pleaded that detecting unauthorised construction the Ward Officer of the 2nd Respondent issued a notice to Respondent No.5 under Sub-sections 253 and 254 of the Maharashtra Provincial Municipal Corporation Act 1949 read with Section 44 and 45 of the Maharashtra Regional Town Planning Act. The grievance is to no further action being taken pursuant to the show-cause notice.

4. Learned counsel for Respondent Nos.2 to 4 admits that the show-cause pleaded in the Writ Petition was issued by Respondent No.4 to Respondent No.5 and that till date no order has been passed pursuant to the show-cause notice issued.

5 We dispose of the Petition directing the 4<sup>th</sup> Respondent to take the show-cause notice issued by it to Respondent No.5 to its logical conclusion. Meaning thereby, an order would be passed

disposing of the show cause notice. Needless to state, if such order results in it being held that Respondent No.5 has effected unauthorised constructions, subject to such remedies which Respondent No.4 can avail of as per law, the said order would be implemented. Compliance with the mandamus issued today shall be made within eight weeks from today.

**N.M. JAMDAR, J.**

**CHIEF JUSTICE**