

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 8763 OF 2013

Gulab Shankar Wadkar ...Petitioner
Versus
Tahasildar & ors. ...Respondents

Mr. Surel S. Shah, for the Petitioner.
Ms. K. N. Solunke, AGP for the State/Respondent nos.1 & 6.
Mr. Rupesh Mandhare, for Respondent no.5.

CORAM: R. M. BORDE &
N. J. JAMADAR, JJ
DATED: 1st JULY, 2019

PC:-

1. The petition can be disposed of in view of the contentions raised in Affidavit-in-reply tendered on behalf of Respondent nos.1 to 3 and 6. In paragraph 6 of the reply, it is recorded thus:

“6. I say that though the Respondent no.5 is residing with his family at the illegal constructed carried out by him and as the Monsoon season is going on, the Respondent Nos.1 and 2 may not take action of removing illegal construction of Respondent No.5 and will proceed with the same after the Monsoon is over.”

2. Mr. Mandhare, the learned Counsel for Respondent no. 5 states, on instructions of the client, that he has tendered an application seeking regularisation of the construction and the same is pending. It is open for the concerned Respondent to pursue the application, which has been tendered earlier, seeking regularisation of the construction or

he may tender an appropriate application or avail the remedy as available in law for the purpose of securing regularisation of the construction. The action proposed by Respondent nos.1 and 2, as regards removal of illegal construction, would be subject to the orders those may be passed by the appropriate authority on an application already tendered or proposed to be tendered by Respondent no.5 for regularisation of the construction.

3. In view of the aforesaid direction, the writ petition stands disposed of.

[N. J. JAMADAR, J.]

[R. M. BORDE, J.]