

Atul

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 7256 OF 2019

Krishna Fabricators Pvt Ltd	...Petitioner
<i>Versus</i>	
The State of Maharashtra through GP & Anr	...Respondents

Mr Omar Khaiyam Shaikh, *for the Petitioner.*
Mrs Ashiwni Purav, AGP, *for the Respondent-State.*

CORAM: S.C. DHARMADHIKARI &
G.S. PATEL, JJ
DATED: 28th June 2019

P.C.:

1. Not on board. Mentioned.
2. The apprehension is that by the notice of 4th June 2019, a copy of which is at Exhibit “C” at page 16, the construction carried on by the petitioner may be demolished.
3. We do not think that this notice threatens any such action.
4. All that this notice says is that there is a construction made of patra shed. That construction appears to be made without any permission from the Planning Authority. Therefore, the petitioner should attend the office of the Competent Authority and produce

proof of legality and validity of its construction, failing which the Municipal Corporation would be constrained as a Planning Authority to invoke Sections 52 to 55 of the Maharashtra Regional and Town Planning Act 1966.

5. The Maharashtra Regional and Town Planning Act 1966 enables the Planning Authority to deal with unauthorized developments. For that the law contains elaborate provisions and if the unauthorized development has to be removed, compliance of the sections in the law requires notice to be issued, explanation to be taken and duly considered and thereafter an order to be passed. This procedure would necessarily have to be followed. We do not think by this notice alone the petitioner can apprehend any demolition.

6. We do not think that the writ petition should be entertained on such a notice and particularly when it is stated to have been issued on 4th June 2019 but till date nothing has been done.

7. The writ petition is disposed of.

(S.C. DHARMADHIKARI, J)

(G. S. PATEL, J)